

Calendar No. \_\_\_\_\_

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

[Report No. 117-\_\_\_\_\_] ]

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. REED (for himself and Mr. INHOFE), from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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## A BILL

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 2022”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
5 **CONTENTS.**

6 (a) DIVISIONS.—This Act is organized into four divi-  
7 sions as follows:

8 (1) Division A—Department of Defense Au-  
9 thorizations.

10 (2) Division B—Military Construction Author-  
11 izations.

12 (3) Division C—Department of Energy Na-  
13 tional Security Authorizations and Other Authoriza-  
14 tions.

15 (4) Division D—Funding Tables.

16 (b) TABLE OF CONTENTS.—The table of contents for  
17 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Budgetary effects of this Act.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 121. Multiyear procurement authority for AH-64E Apache helicopters.

Sec. 122. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.

Sec. 123. Report and limitations on acquisition of Integrated Visual Augmentation System.

Sec. 124. Modification of deployment by the Army of interim cruise missile defense capability.

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## Subtitle C—Navy Programs

- Sec. 131. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
- Sec. 132. Analysis of certain radar investment options.
- Sec. 133. Extension of report on Littoral Combat Ship mission packages.
- Sec. 134. Extension of procurement authorities for certain amphibious shipbuilding programs.
- Sec. 135. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life.
- Sec. 136. Acquisition, modernization, and sustainment plan for carrier air wings.
- Sec. 137. Improving oversight of Navy contracts for shipbuilding, conversion, and repair.

## Subtitle D—Air Force Programs

- Sec. 141. Required minimum inventory of tactical airlift aircraft.
- Sec. 142. Extension of inventory requirement for Air Force fighter aircraft.
- Sec. 143. Prohibition on use of funds for retirement of A-10 aircraft.
- Sec. 144. Requirements relating to reports on fighter aircraft.
- Sec. 145. Prohibition on additional F-35 aircraft for the Air National Guard.
- Sec. 146. Prohibition on availability of funds for reducing the number of KC-135 aircraft of the Air National Guard designated as primary mission aircraft inventory.
- Sec. 147. Authority to divest 18 KC-135 aircraft.
- Sec. 148. Prohibition on use of funds for a follow-on tanker aircraft to the KC-46 aircraft.
- Sec. 149. Maintenance of B-1 bomber aircraft squadrons.

## Subtitle E—Defense-wide, Joint, and Multiservice Matters

- Sec. 161. Prohibition on duplication of efforts to provide air- and space-based ground moving target indicator capability.
- Sec. 162. Limitation on funds for armed overwatch aircraft.
- Sec. 163. Transition of F-35 program sustainment from Joint Program Office to Air Force and Navy.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

## Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Increase in allowable rate of basic pay for certain employees of Defense Advanced Research Projects Agency.
- Sec. 212. Additional mission areas for mechanisms for expedited access to technical talent and expertise at academic institutions by Department of Defense.
- Sec. 213. Modification of other transaction authority for research projects.
- Sec. 214. Artificial intelligence metrics.
- Sec. 215. Modification of the Joint Common Foundation Program.
- Sec. 216. Executive education on emerging technologies for senior civilian and military leaders.

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- Sec. 217. Improvements relating to national network for microelectronics research and development.
- Sec. 218. Activities to accelerate domestic quantum computing capabilities.
- Sec. 219. Pilot programs for passive telecommunications infrastructure to facilitate installation 5G deployment.
- Sec. 220. National Guard participation in microreactor testing and evaluation.
- Sec. 221. Limitation on transfer of certain operational flight test events and reduction in operational flight test capacity.
- Sec. 222. Limitation on availability of funds for the High Accuracy Detection and Exploitation System.

Subtitle C—Codification and Technical Corrections

- Sec. 231. Codification of direct hire authority at personnel demonstration laboratories for advanced degree holders.
- Sec. 232. Codification of authorities relating to Department of Defense science and technology reinvention laboratories.
- Sec. 233. Codification of requirement for Defense Established Program to Stimulate Competitive Research.
- Sec. 234. Technical correction to pilot program for enhancement of research, development, test, and evaluation centers of Department of Defense.

Subtitle D—Plans, Reports, and Other Matters

- Sec. 241. Study on efficient use of Department of Defense test and evaluation organizations, facilities, and laboratories.
- Sec. 242. Analysis of potential modifications to Department of Defense unmanned aerial systems categorization.
- Sec. 243. Digital development infrastructure plan and working group.
- Sec. 244. Optionally Manned Fighting Vehicle requirements analysis.
- Sec. 245. Making permanent requirement for annual report by Director of Operational Test and Evaluation.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Expansion of purposes of Sentinel Landscapes Partnership program to include resilience.
- Sec. 312. Maintenance of current analytical tools in evaluating energy resilience measures.
- Sec. 313. Military Aviation and Installation Assurance Clearinghouse matters.
- Sec. 314. Exemption from prohibition on use of open-air burn pits in contingency operations outside the United States.
- Sec. 315. Demonstration program on domestic production of rare earth elements from coal byproducts.
- Sec. 316. Authority to transfer amounts derived from energy cost savings.
- Sec. 317. Sense of Senate on energy independence and diversification.

Subtitle C—National Security Climate Resilience

- Sec. 331. Short title.
- Sec. 332. Definitions.

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- Sec. 333. Climate resilience in planning, engagement strategies, infrastructure, and force development of Department of Defense.
- Sec. 334. Climate Resilience Infrastructure Initiative of the Department of Defense.
- Sec. 335. Assessment of climate risks to infrastructure of Department of Defense.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 351. Treatment by Department of Defense of perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 352. Public disclosure of testing and results of Department of Defense testing for perfluoroalkyl or polyfluoroalkyl substances and additional requirements for testing.
- Sec. 353. Extension of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 354. Report on remediation of perfluoroalkyl substances and polyfluoroalkyl substances at certain military installations.
- Sec. 355. Report on schedule for completion of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

Subtitle E—Other Matters

- Sec. 371. Extension of temporary authority to extend contracts and leases under the ARMS Initiative.
- Sec. 372. Incident reporting requirements for Department of Defense regarding lost or stolen weapons.
- Sec. 373. Repeal of sunset for naval vessel examination report.
- Sec. 374. Report on ammunition organic industrial base modernization by Department of the Army.
- Sec. 375. Annual report by Secretary of the Navy on ship maintenance.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Authority with respect to authorized strengths for general and flag officers within the Armed Forces for emerging requirements.
- Sec. 403. Additional authority to vary Space Force end strength.
- Sec. 404. Temporary exemption from end strength grade restrictions for the Space Force.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

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## TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy

- Sec. 501. Increase in authorized lieutenant commander billets in the Navy.
- Sec. 502. Time in grade requirements.

## Subtitle B—General Service Authorities and Correction of Military Records

## PART I—SELECTIVE SERVICE REFORM

- Sec. 511. Modernization of the Selective Service System.
- Sec. 512. Report on exemptions and deferments for a possible military draft.
- Sec. 513. Report on processes and procedures for appeal of denial of status or benefits for failure to register for Selective Service.
- Sec. 514. Responsibilities for national mobilization; personnel requirements.
- Sec. 515. Enhancements to national mobilization exercises.

## PART II—OTHER MATTERS

- Sec. 518. Military service independent racial disparity review.
- Sec. 519. Appeals to Physical Evaluation Board determinations of fitness for duty.
- Sec. 520. Extension of paid parental leave.
- Sec. 520A. Bereavement leave for members of the Armed Forces.

## Subtitle C—Prevention and Response to Sexual Assault, Harassment, and Related Misconduct, and Other Military Justice Matters

- Sec. 521. DoD Safe Helpline authorization to perform intake of official restricted and unrestricted reports for eligible adult sexual assault victims.
- Sec. 522. Assessment of relationship between command climate and the prevention and adjudication of military sexual misconduct.
- Sec. 523. Policy for ensuring the annual report regarding sexual assaults involving members of the Armed Forces includes information on race and ethnicity of victims.
- Sec. 524. Department of Defense tracking of allegations of retaliation by victims of sexual assault or sexual harassment and related persons.
- Sec. 525. Special Victim's Counsel representation of civilian victims of sex-related offenses.
- Sec. 526. Notice to victims of further administrative action following a determination not to refer to trial by court-martial.
- Sec. 527. Recommendations on separate punitive article in the Uniform Code of Military Justice on violent extremism.
- Sec. 528. Determination and reporting of missing, absent unknown, absent without leave, and duty status-whereabouts unknown service members.
- Sec. 529. Conduct unbecoming an officer.
- Sec. 530. Analysis of the use of non-judicial punishment.
- Sec. 530A. Sexual Assault Response Coordinator Military Occupational Specialty.
- Sec. 530B. Implementation of recommendations of the Independent Review Commission on Sexual Assault in the Military.

## Subtitle D—Military Justice Reform and Sexual Assault Prevention

## PART I—MILITARY JUSTICE MATTERS

- Sec. 531. Special victim prosecutors.
- Sec. 532. Policies with respect to special victim prosecutors.
- Sec. 533. Definition of military magistrate, special victim offense, and special victim prosecutor.
- Sec. 534. Clarification of applicability of domestic violence and stalking to dating partners.
- Sec. 535. Clarification relating to who may convene courts-martial.
- Sec. 536. Inclusion of sexual harassment as general punitive article.
- Sec. 537. Determinations of impracticability of rehearing.
- Sec. 538. Plea agreements.
- Sec. 539. Opportunity to obtain witness and other evidence in trials by court-martial.
- Sec. 540. Former jeopardy.
- Sec. 541. Advice to convening authority before referral for trial.
- Sec. 542. Preliminary hearing.
- Sec. 543. Detail of trial counsel.
- Sec. 544. Sentencing reform.
- Sec. 545. Uniform, document-based data system.
- Sec. 546. Primary prevention workforce.
- Sec. 547. Annual primary prevention research agenda.
- Sec. 548. Full functionality of certain advisory committees and panels.
- Sec. 549. Military defense counsel parity.
- Sec. 550. Resourcing.
- Sec. 551. Applicability to the United States Coast Guard.
- Sec. 552. Effective date.

## PART II—MILITARY JUSTICE IMPROVEMENT AND INCREASING PREVENTION

- Sec. 561. Short title.
- Sec. 562. Improvement of determinations on disposition of charges for certain offenses under UCMJ with authorized maximum sentence of confinement of more than one year.
- Sec. 563. Modification of officers authorized to convene general and special courts-martial for certain offenses under UCMJ with authorized maximum sentence of confinement of more than one year.
- Sec. 564. Discharge using otherwise authorized personnel and resources.
- Sec. 565. Monitoring and assessment of modification of authorities by Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
- Sec. 566. Limitation on modifications to sexual assault reporting procedures.
- Sec. 567. Professionalization of military prosecutors.
- Sec. 568. Increased training and education on military sexual assault.
- Sec. 569. Increasing the physical security of military installations.
- Sec. 570. Effective date and applicability.

## Subtitle E—Member Education, Training, and Transition

- Sec. 571. Modification of grant program supporting science, technology, engineering, and math education in the Junior Reserve Officers' Training Corps to include quantum information sciences.
- Sec. 572. Allocation of authority for nominations to the military service academies in the event of the death, resignation, or expulsion from office of a member of Congress.
- Sec. 573. Troops-to-Teachers Program.

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- Sec. 574. Combating foreign malign influence.
- Sec. 575. Prohibition on implementation by United States Air Force Academy of civilian faculty tenure system.

Subtitle F—Military Family Readiness and Dependents' Education

- Sec. 581. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 582. Pilot program to establish employment fellowship opportunities for military spouses.

Subtitle G—Other Matters and Reports

- Sec. 591. Amendments to additional Deputy Inspector General of the Department of Defense.
- Sec. 592. Inclusion of Senior Reserve Officers' Training Corps data in diversity and inclusion reporting.
- Sec. 593. Modified deadline for establishment of special purpose adjunct to Armed Services Vocational Aptitude Battery test.
- Sec. 594. Reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).
- Sec. 595. Reports on security force personnel performing protection level one duties.

TITLE VI—MILITARY COMPENSATION

- Sec. 601. Basic needs allowance for members on active service in the Armed Forces.
- Sec. 602. Equal incentive pay for members of the reserve components of the Armed Forces.
- Sec. 603. Extension of expiring travel and transportation authorities.
- Sec. 604. Repeal of expiring travel and transportation authorities.
- Sec. 605. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 606. Requirements in connection with suspension of retired pay and retirement annuities.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Addition of preconception and prenatal carrier screening coverage as benefits under TRICARE program.
- Sec. 702. Coverage of overseas subacute and hospice care for eligible overseas dependents of members of the uniformed services.
- Sec. 703. Modification of pilot program on receipt of non-generic prescription maintenance medications under TRICARE pharmacy benefits program.

Subtitle B—Health Care Administration

- Sec. 721. Revisions to TRICARE provider networks.
- Sec. 722. Implementation of an integrated TRICARE program through effective market management.
- Sec. 723. Establishment of centers of excellence for enhanced treatment of ocular injuries.
- Sec. 724. Mandatory training on health effects of burn pits.

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- Sec. 725. Removal of requirement for one year of participation in certain medical and lifestyle incentive programs of the Department of Defense to receive benefits under such programs.
- Sec. 726. Authority of Secretary of Defense and Secretary of Veterans Affairs to enter into agreements for planning, design, and construction of facilities to be operated as shared medical facilities.
- Sec. 727. Consistency in accounting for medical reimbursements received by military medical treatment facilities from other Federal agencies.

Subtitle C—Reports and Other Matters

- Sec. 741. Access by United States Government employees and their family members to certain facilities of Department of Defense for assessment and treatment of anomalous health conditions.
- Sec. 742. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 743. Comptroller General study on implementation by Department of Defense of recent statutory requirements to reform the military health system.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,  
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- Sec. 801. Repeal of preference for fixed-price contracts.
- Sec. 802. Improving the use of available data to manage and forecast service contract requirements.
- Sec. 803. Assessment of impediments and incentives to improving the acquisition of commercial technology, products, and services.
- Sec. 804. Pilot program on acquisition practices for emerging technologies.
- Sec. 805. Annual report on highest and lowest performing acquisition programs of the Department of Defense.
- Sec. 806. Systems engineering determinations.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and  
Limitations

- Sec. 811. Recommendations on the use of other transaction authority.
- Sec. 812. Modified condition for prompt contract payment eligibility.
- Sec. 813. Exclusion of certain services from intergovernmental support agreements for installation-support services.
- Sec. 814. Modification of prize authority for advanced technology achievements.
- Sec. 815. Cost or pricing data reporting in Department of Defense contracts.
- Sec. 816. Authority to acquire innovative commercial products and services using general solicitation competitive procedures.
- Sec. 817. Reporting requirement for defense acquisition activities.
- Sec. 818. Department of Defense contractor professional training material disclosure requirements.
- Sec. 819. Report on place of performance requirements.
- Sec. 820. Multiyear contract authority for defense acquisitions specifically authorized by law.

Subtitle C—Industrial Base Matters

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- Sec. 831. Addition of certain items to list of high priority goods and services for analyses, recommendations, and actions related to sourcing and industrial capacity.
- Sec. 832. Prohibition on acquisition of personal protective equipment from non-allied foreign nations.
- Sec. 833. Further prohibition on acquisition of sensitive materials.
- Sec. 834. Requirement for industry days and requests for information to be open to allied defense contractors.
- Sec. 835. Assessment of requirements for certain items to address supply chain vulnerabilities.
- Sec. 836. Requirement that certain providers of systems to Department of Defense disclose the source of printed circuit boards when sourced from certain countries.
- Sec. 837. Employment transparency regarding individuals who perform work in the People's Republic of China.

## Subtitle D—Small Business Matters

- Sec. 841. Clarification of duties of Director of Small Business Programs.
- Sec. 842. Data on Phase III Small Business Innovation Research and Small Business Technology Transfer program awards.
- Sec. 843. Pilot program to incentivize employee ownership in defense contracting.

## Subtitle E—Other Matters

- Sec. 851. Technology protection features activities.
- Sec. 852. Independent study on technical debt in software-intensive systems.
- Sec. 853. Determination with respect to optical fiber transmission equipment for Department of Defense purposes.
- Sec. 854. Two-year extension of Selected Acquisition Report requirement.
- Sec. 855. Military standards for high-hardness armor in combat vehicle specifications.
- Sec. 856. Revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND  
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- Sec. 901. Change in eligibility requirements for appointment to certain Department of Defense leadership positions.
- Sec. 902. Renaming of Air National Guard to Air and Space National Guard.
- Sec. 903. Joint Aviation Safety Council.
- Sec. 904. Assignments for participants in the John S. McCain Strategic Defense Fellows Program.
- Sec. 905. Alignment of Close Combat Lethality Task Force.
- Sec. 906. Management innovation activities.

## TITLE X—GENERAL PROVISIONS

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- Sec. 1001. General transfer authority.
- Sec. 1002. Commission on Planning, Programming, Budgeting, and Execution Reform.
- Sec. 1003. Plan for consolidation of information technology systems used in the planning, programming, budgeting, and execution process.

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## Subtitle B—Counterdrug Activities

- Sec. 1011. Codification and expansion of authority for joint task forces of the Department of Defense to support law enforcement agencies conducting counter-terrorism, counter-illicit trafficking, or counter-transnational organized crime activities.
- Sec. 1012. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.

## Subtitle C—Naval Vessels

- Sec. 1021. Modification to annual naval vessel construction plan.
- Sec. 1022. Navy battle force ship assessment and requirement reporting.

## Subtitle D—Counterterrorism

- Sec. 1031. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1032. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1033. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1034. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1035. Report on medical care provided to detainees at United States Naval Station, Guantanamo Bay, Cuba.

## Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Notification of significant Army force structure changes.
- Sec. 1042. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H-2B workers.

## Subtitle F—Studies and Reports

- Sec. 1051. Report on implementation of irregular warfare strategy.
- Sec. 1052. Optimization of Irregular Warfare Technical Support Directorate.
- Sec. 1053. Quarterly briefings on anomalous health incidents.

## Subtitle G—Other Matters

- Sec. 1061. Commission on the National Defense Strategy.
- Sec. 1062. Assessment of requirements for and management of Army three-dimensional terrain data.
- Sec. 1063. Modification to Regional Centers for Security Studies.

## TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Civilian personnel management.
- Sec. 1102. Consideration of employee performance in reductions in force for civilian positions in the Department of Defense.
- Sec. 1103. Enhancement of recusal for conflicts of personal interest requirements for Department of Defense officers and employees.

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- Sec. 1104. Authority to employ civilian faculty members at the Defense Institute of International Legal Studies.
- Sec. 1105. Extension of temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense.
- Sec. 1106. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1107. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1108. Pilot program on direct hire authority for spouses of members of the uniformed services at locations outside the United States.
- Sec. 1109. Civilian Cybersecurity Reserve pilot project at United States Cyber Command.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

## Subtitle A—Assistance and Training

- Sec. 1201. Authority to build capacity for additional operations.
- Sec. 1202. Administrative support and payment of certain expenses for covered foreign defense personnel.
- Sec. 1203. Authority for certain reimbursable interchange of supplies and services.
- Sec. 1204. Extension and modification of Department of Defense support for stabilization activities in national security interest of the United States.
- Sec. 1205. Temporary authority to pay for personnel expenses of foreign national security forces participating in the training program of the United States-Colombia Action Plan for Regional Security.
- Sec. 1206. Security cooperation strategy for certain combatant commands.
- Sec. 1207. Plan for enhancing Western Hemisphere security cooperation.
- Sec. 1208. Pilot program to support the implementation of the Women, Peace, and Security Act of 2017.
- Sec. 1209. Limitation on support to military forces of the Kingdom of Morocco for bilateral or multilateral exercises.

## Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of authority for support for reconciliation activities led by the Government of Afghanistan and prohibition on use of funds for the Taliban and other terrorist groups.
- Sec. 1212. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1213. Afghanistan Security Forces Fund.
- Sec. 1214. Quarterly security briefings on Afghanistan.
- Sec. 1215. Sense of Senate and briefing on counterterrorism posture of the United States after transition of United States Armed Forces from Afghanistan.

## Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Extension and modification of authority to provide assistance to vetted Syrian groups and individuals.

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- Sec. 1222. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1223. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.

Subtitle D—Matters Relating to Europe and the Russian Federation

- Sec. 1231. Extension of limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1232. Extension of prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1233. Extension of Ukraine Security Assistance Initiative.
- Sec. 1234. Extension of authority for training for Eastern European national security forces in the course of multilateral exercises.
- Sec. 1235. Sense of Senate on the North Atlantic Treaty Organization.
- Sec. 1236. Sense of Senate on continuing support for Estonia, Latvia, and Lithuania.

Subtitle E—Matters Relating to the Indo-Pacific Region

- Sec. 1241. Extension and modification of Indo-Pacific Maritime Security Initiative.
- Sec. 1242. Extension and modification of Pacific Deterrence Initiative.
- Sec. 1243. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
- Sec. 1244. Cooperative program with Vietnam to account for Vietnamese personnel missing in action.
- Sec. 1245. Assessment of and plan for improving the defensive asymmetric capabilities of Taiwan.
- Sec. 1246. Annual feasibility briefing on cooperation between the National Guard and Taiwan.
- Sec. 1247. Defense of Taiwan.
- Sec. 1248. Comparative analyses and reports on efforts by the United States and the People's Republic of China to advance critical modernization technology with respect to military applications.
- Sec. 1249. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1250. Feasibility report on establishing more robust military-to-military crisis communications with the People's Republic of China.
- Sec. 1251. Semiannual briefings on efforts to deter Chinese aggression and military coercion.
- Sec. 1252. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

Subtitle F—Reports

- Sec. 1261. Report on security cooperation authorities and associated resourcing in support of the Security Force Assistance Brigades.
- Sec. 1262. Independent assessment with respect to Arctic region and establishment of Arctic Security Initiative.
- Sec. 1263. Annual report and briefing on Global Force Management Allocation Plan.

Subtitle G—Other Matters

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- Sec. 1271. Modification of United States-Israel Operations-Technology cooperation within the United States-Israel Defense Acquisition Advisory Group.
- Sec. 1272. Prohibition on support for offensive military operations against the Houthis in Yemen.
- Sec. 1273. Repeal of authorization of non-conventional assisted recovery capabilities; modification of authority for expenditure of funds for clandestine activities that support operational preparation of the environment.
- Sec. 1274. Extension and modification of authority for certain payments to redress injury and loss.
- Sec. 1275. Secretary of Defense Strategic Competition Initiative.
- Sec. 1276. Strategic competition initiative for United States Southern Command and United States Africa Command.
- Sec. 1277. Modification of notification requirements for sensitive military operations.
- Sec. 1278. Special Operations Forces joint operating concept for competition and conflict.
- Sec. 1279. Plan for provision of information support to commanders of the combatant commands.
- Sec. 1280. Independent review of and report on the Unified Command Plan.
- Sec. 1281. Establishment of mission-oriented pilot programs to close significant capabilities gaps.
- Sec. 1282. Limitation on availability of certain funding for operation and maintenance.

## TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Funding allocations; specification of Cooperative Threat Reduction funds.

## TITLE XIV—OTHER AUTHORIZATIONS

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- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical Agents and Munitions Destruction, Defense.
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- Sec. 1404. Defense Inspector General.
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## Subtitle B—Armed Forces Retirement Home

- Sec. 1411. Authorization of appropriations for Armed Forces Retirement Home.

## Subtitle C—Other Matters

- Sec. 1421. Authorization to loan materials in National Defense Stockpile.
- Sec. 1422. Repeal of termination of biennial report on National Defense Stockpile requirements.
- Sec. 1423. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

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TITLE XV—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND  
INTELLIGENCE MATTERS

## Subtitle A—Space Activities

- Sec. 1501. Delegation of authorities to Space Development Agency.
- Sec. 1502. Modification to Space Development Agency.
- Sec. 1503. Disclosure of National Security Space Launch program contract pricing terms.
- Sec. 1504. Extension and modification of Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise.
- Sec. 1505. Senior Procurement Executive authority.
- Sec. 1506. Modifications to Space Force Acquisition Council.
- Sec. 1507. Modifications relating to the Assistant Secretary of the Air Force for Space Acquisition and Integration.
- Sec. 1508. Modification to transfer of acquisition projects for space systems and programs.
- Sec. 1509. Extension and modification of certifications regarding integrated tactical warning and attack assessment mission of the Air Force.
- Sec. 1510. Prohibition on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites.
- Sec. 1511. Continued requirement for National Security Space Launch program.
- Sec. 1512. Limitation, report, and briefing on use of commercial satellite services and associated systems.
- Sec. 1513. Study on commercial systems integration into, and support of, Armed Forces space operations.
- Sec. 1514. Space policy review.
- Sec. 1515. Annual briefing on threats to space operations.

## Subtitle B—Defense Intelligence and Intelligence-related Activities

- Sec. 1521. Authority for Army counterintelligence agents to execute warrants and make arrests.
- Sec. 1522. Annual briefing by Director of the Defense Intelligence Agency on electronic warfare threat to operations of the Department of Defense.

## Subtitle C—Nuclear Forces

- Sec. 1531. Participation in United States Strategic Command strategic deterrence exercises.
- Sec. 1532. Modification to requirements relating to nuclear force reductions.
- Sec. 1533. Modifications to requirements relating to unilateral changes in nuclear weapons stockpile of the United States.
- Sec. 1534. Deadline for reports on modification of force structure for strategic nuclear weapons delivery systems.
- Sec. 1535. Modification of deadline for notifications relating to reduction, consolidation, or withdrawal of nuclear forces based in Europe.
- Sec. 1536. Congressional Commission on the Strategic Posture of the United States.
- Sec. 1537. Revised nuclear posture review.
- Sec. 1538. Ground-based strategic deterrent development program accountability matrices.

## 16

- Sec. 1539. Procurement authority for certain parts of ground-based strategic deterrent cryptographic device.
- Sec. 1540. Mission-design series popular name for ground-based strategic deterrent.
- Sec. 1541. B-21 Raider nuclear capability and integration with long-range standoff weapon.
- Sec. 1542. Comptroller General study and updated report on nuclear weapons capabilities and force structure requirements.
- Sec. 1543. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1544. Limitation on use of funds until completion of analysis of alternatives for nuclear sea-launched cruise missile.
- Sec. 1545. Sense of the Senate on NATO security and nuclear cooperation between the United States and the United Kingdom.
- Sec. 1546. Sense of the Senate on maintaining diversity in the nuclear weapons stockpile.
- Sec. 1547. Sense of the Senate on ground-based strategic deterrent.

## Subtitle D—Missile Defense Programs

- Sec. 1551. Authority to develop and deploy Next Generation Interceptor for missile defense of the United States homeland.
- Sec. 1552. Annual reliability testing for the Next Generation Interceptor.
- Sec. 1553. Next Generation Interceptor development program accountability matrices.
- Sec. 1554. Extension of period for transition of ballistic missile defense programs to military departments.
- Sec. 1555. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1556. Semiannual updates on meetings held by the Missile Defense Executive Board.
- Sec. 1557. Independent study of Department of Defense components' roles and responsibilities relating to missile defense.

## TITLE XVI—CYBERSPACE-RELATED MATTERS

- Sec. 1601. Matters concerning cyber personnel requirements.
- Sec. 1602. Cyber data management.
- Sec. 1603. Assignment of certain budget control responsibilities to Commander of United States Cyber Command.
- Sec. 1604. Coordination between United States Cyber Command and private sector.
- Sec. 1605. Pilot program on public-private partnerships with internet ecosystem companies to detect and disrupt adversary cyber operations.
- Sec. 1606. Zero trust strategy, principles, model architecture, and implementation plans.
- Sec. 1607. Demonstration program for automated security validation tools.
- Sec. 1608. Improvements to consortium of universities to advise Secretary of Defense on cybersecurity matters.
- Sec. 1609. Quarterly reports on cyber operations.
- Sec. 1610. Assessment of cybersecurity posture and operational assumptions and development of targeting strategies and supporting capabilities.
- Sec. 1611. Assessing capabilities to counter adversary use of ransomware tools, capabilities, and infrastructure.
- Sec. 1612. Comparative analysis of cybersecurity capabilities.

## 17

- Sec. 1613. Report on the Cybersecurity Maturity Model Certification program.
- Sec. 1614. Report on potential Department of Defense support and assistance for increasing the awareness of the Cybersecurity and Infrastructure Security Agency of cyber threats and vulnerabilities affecting critical infrastructure.
- Sec. 1615. Deadline for reports on assessment of cyber resiliency of nuclear command and control system.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.

## TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Extension of authorization of fiscal year 2017 project at Wiesbaden Army Airfield.
- Sec. 2105. Additional authority to carry out fiscal year 2018 project at Fort Bliss, Texas.
- Sec. 2106. Modification of authority to carry out fiscal year 2021 project at Fort Wainwright, Alaska.
- Sec. 2107. Additional authority to carry out fiscal year 2022 project at Aberdeen Proving Ground, Maryland.

## TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.

## TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of authorizations of certain fiscal year 2017 projects.
- Sec. 2306. Extension of authorizations of fiscal year 2017 projects at Spangdahlem Air Base, Germany.
- Sec. 2307. Extension of authorization of fiscal year 2017 project at Hanscom Air Force Base, Massachusetts.
- Sec. 2308. Modification of authority to carry out fiscal year 2018 project at Tyndall Air Force Base, Florida.
- Sec. 2309. Modification of authority to carry out fiscal year 2020 projects at Tyndall Air Force Base, Florida.

## TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

## 18

- Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Extension of authorization of fiscal year 2017 project at Yokota Air Base, Japan.

## TITLE XXV—INTERNATIONAL PROGRAMS

## Subtitle A—North Atlantic Treaty Organization Security Investment Program

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

## Subtitle B—Host Country In-Kind Contributions

- Sec. 2511. Republic of Korea funded construction projects.
- Sec. 2512. Republic of Poland provided infrastructure projects.
- Sec. 2513. Authorization to accept contributions from the Republic of Korea in the form of an irrevocable letter of credit.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

## TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
- Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

## TITLE XXVIII—MILITARY CONSTRUCTION AND GENERAL PROVISIONS

## Subtitle A—Military Construction Program

- Sec. 2801. Clarification of establishment of the Office of Local Defense Community Cooperation as a Department of Defense Field Activity.
- Sec. 2802. Use of amounts available for operation and maintenance in carrying out military construction projects for energy resilience, energy security, or energy conservation.

## Subtitle B—Military Family Housing

- Sec. 2811. Command oversight of military privatized housing as element of performance evaluations.

## 19

- Sec. 2812. Clarification of prohibition against collection from tenants of privatized military housing units of amounts in addition to rent and application of existing law.
- Sec. 2813. Modification of calculation of military housing contractor pay for privatized military housing.
- Sec. 2814. Modification of requirements relating to window fall prevention devices at military family housing.

## Subtitle C—Land Conveyances

- Sec. 2821. Land conveyance, St. Louis, Missouri.
- Sec. 2822. Land conveyance, Saint Joseph, Missouri.
- Sec. 2823. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
- Sec. 2824. Land conveyance, Naval Air Station Oceana, Virginia Beach, Virginia.

## Subtitle D—Other Matters

- Sec. 2831. Consideration of public education when making basing decisions.
- Sec. 2832. Designation of facility at Rock Island Arsenal, Illinois.
- Sec. 2833. Improvement of security of lodging and living spaces on military installations.
- Sec. 2834. Expansion of authority of Secretary of the Navy to lease and license Navy museum facilities to generate revenue to support museum administration and operations.
- Sec. 2835. Pilot program on establishment of account for reimbursement for use of testing facilities at installations of the Department of the Air Force.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY  
AUTHORIZATIONS AND OTHER AUTHORIZATIONSTITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY  
PROGRAMS

## Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

## Subtitle B—Nuclear Weapons Stockpile Matters

- Sec. 3111. Portfolio management framework for National Nuclear Security Administration.
- Sec. 3112. Reports on risks to and gaps in industrial base for nuclear weapons components, subsystems, and materials.
- Sec. 3113. Sense of Senate on oversight role of Congress in conduct of nuclear weapons testing.

## Subtitle C—Defense Environmental Cleanup Matters

PART I—ENVIRONMENTAL MANAGEMENT LIABILITY REDUCTION AND  
TECHNOLOGY DEVELOPMENT

- Sec. 3121. Definitions.

## 20

- Sec. 3122. Independent assessment and management of defense environmental cleanup programs.
- Sec. 3123. Incremental Technology Development Program.
- Sec. 3124. High-Impact Technology Development Program.
- Sec. 3125. Environmental Management University Program.

## PART II—OTHER MATTERS

- Sec. 3131. Comprehensive strategy for treating, storing, and disposing of defense nuclear waste resulting from stockpile maintenance and modernization activities.

## Subtitle D—Budget and Financial Management Matters

- Sec. 3141. Improvements to cost estimates informing analyses of alternatives.
- Sec. 3142. Modification of requirements for certain construction projects.
- Sec. 3143. Modification to terminology for reports on financial balances for atomic energy defense activities.

## Subtitle E—Other Matters

- Sec. 3151. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3152. Extension of enhanced procurement authority to manage supply chain risk.
- Sec. 3153. Extension of authority for acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3154. Updates to Infrastructure Modernization Initiative.
- Sec. 3155. Acquisition of high-performance computing capabilities by National Nuclear Security Administration.
- Sec. 3156. Limitation on use of funds for naval nuclear fuel systems based on low-enriched uranium.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
- Sec. 3202. References to Chairperson and Vice Chairperson of Defense Nuclear Facilities Safety Board.

## TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Maritime Administration.

## DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2       In this Act, the term “congressional defense commit-

3 tees” has the meaning given that term in section

4 101(a)(16) of title 10, United States Code.

1 **SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

2 The budgetary effects of this Act, for the purpose of  
3 complying with the Statutory Pay-As-You-Go Act of 2010,  
4 shall be determined by reference to the latest statement  
5 titled “Budgetary Effects of PAYGO Legislation” for this  
6 Act, jointly submitted for printing in the Congressional  
7 Record by the Chairmen of the House and Senate Budget  
8 Committees, provided that such statement has been sub-  
9 mitted prior to the vote on passage in the House acting  
10 first on the conference report or amendment between the  
11 Houses.

12 **TITLE I—PROCUREMENT**  
13 **Subtitle A—Authorization of**  
14 **Appropriations**

15 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 2022 for procurement for the Army, the Navy  
18 and the Marine Corps, the Air Force and the Space Force,  
19 and Defense-wide activities, as specified in the funding  
20 table in section 4101.

21 **Subtitle B—Army Programs**

22 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**  
23 **64E APACHE HELICOPTERS.**

24 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
25 Subject to section 2306b of title 10, United States Code,  
26 the Secretary of the Army may enter into one or more

1 multiyear contracts, beginning with the fiscal year 2022  
2 program year, for the procurement of AH-64E Apache  
3 helicopters.

4 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
5 MENTS.—A contract entered into under subsection (a)  
6 shall provide that any obligation of the United States to  
7 make a payment under the contract for a fiscal year after  
8 fiscal year 2022 is subject to the availability of appropria-  
9 tions for that purpose for such later fiscal year.

10 **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**  
11 **60M AND HH-60M BLACK HAWK HELI-**  
12 **COPTERS.**

13 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
14 Subject to section 2306b of title 10, United States Code,  
15 the Secretary of the Army may enter into one or more  
16 multiyear contracts, beginning with the fiscal year 2022  
17 program year, for the procurement of UH-60M and HH-  
18 60M Black Hawk helicopters.

19 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
20 MENTS.—A contract entered into under subsection (a)  
21 shall provide that any obligation of the United States to  
22 make a payment under the contract for a fiscal year after  
23 fiscal year 2022 is subject to the availability of appropria-  
24 tions for that purpose for such later fiscal year.

1 **SEC. 123. REPORT AND LIMITATIONS ON ACQUISITION OF**  
2 **INTEGRATED VISUAL AUGMENTATION SYS-**  
3 **TEM.**

4 (a) REPORT REQUIRED.—

5 (1) IN GENERAL.—Not later than January 31,  
6 2022, but after completion of operational testing of  
7 the Integrated Visual Augmentation System (IVAS),  
8 the Secretary of the Army shall submit to the con-  
9 gressional defense committees a report on the Inte-  
10 grated Visual Augmentation System.

11 (2) ELEMENTS.—The report required by para-  
12 graph (1) shall include the following:

13 (A) A validation of the reliability of the In-  
14 tegrated Visual Augmentation System to meet  
15 operational need for mean time between failure  
16 to support anticipated operational mission pro-  
17 files.

18 (B) A validation of network adequacy for  
19 operational employment of the System, includ-  
20 ing ability to integrate into command networks,  
21 and a plan to facilitate the display of position  
22 location and identification information for adja-  
23 cent units, non-System-equipped platforms, and  
24 soldiers.

25 (C) A validation of power duration ade-  
26 quacy and a plan for battery management of

1 the System to meet anticipated operational mis-  
2 sion requirements.

3 (D) A plan to ensure targetable three-di-  
4 mensional terrain data in the System.

5 (E) A basis-of-issue plan based on lessons  
6 of developmental and operational testing of the  
7 System.

8 (F) A plan for iterative improvements to  
9 sensors, software, and form factor throughout  
10 production and procurement of the System.

11 (G) Any other matters that the Secretary  
12 considers relevant to the full understanding of  
13 the status and plan of the System.

14 (b) LIMITATION ON USE OF FUNDS.—Of the funds  
15 authorized to be appropriated by this Act for fiscal year  
16 2022 for procurement of the Integrated Visual Augmenta-  
17 tion System, not more than 50 percent may be obligated  
18 or expended until the date on which the Secretary submits  
19 to the congressional defense committees the report re-  
20 quired by subsection (a)(1).

21 **SEC. 124. MODIFICATION OF DEPLOYMENT BY THE ARMY**  
22 **OF INTERIM CRUISE MISSILE DEFENSE CAPA-**  
23 **BILITY.**

24 Section 112(b) of the John S. McCain National De-  
25 fense Authorization Act for Fiscal Year 2019 (Public Law

1 115–232; 132 Stat. 1660), as amended by section 111(b)  
2 of the William M. (Mac) Thornberry National Defense Au-  
3 thorization Act for Fiscal Year 2021 (Public Law 116–  
4 283), is further amended—

5 (1) in paragraph (1), by striking “shall deploy  
6 the capability as follows:” and all that follows  
7 through the period at the end and inserting “shall  
8 deploy two batteries of the capability by not later  
9 than September 30, 2020.”;

10 (2) in paragraph (2)—

11 (A) in the paragraph heading, by striking  
12 “DEADLINES” and inserting “DEADLINE”;

13 (B) in the matter preceding subparagraph  
14 (A), by striking “deadlines” and inserting  
15 “deadline”;

16 (C) in subparagraph (F), by adding “and”  
17 at the end;

18 (D) by striking subparagraph (G); and

19 (E) by redesignating subparagraph (H) as  
20 subparagraph (G); and

21 (3) in paragraph (4), by striking “in paragraph  
22 (1):” and all that follows through the period at the  
23 end and inserting “in paragraph (1), if the Sec-  
24 retary determines that sufficient funds have not

1       been appropriated to enable the Secretary to meet  
2       such deadline.”.

### 3                   **Subtitle C—Navy Programs**

#### 4   **SEC. 131. EXTENSION OF PROHIBITION ON AVAILABILITY** 5                   **OF FUNDS FOR NAVY PORT WATERBORNE SE-** 6                   **CURITY BARRIERS.**

7       Section 130(a) of the John S. McCain National De-  
8       fense Authorization Act for Fiscal Year 2019 (Public Law  
9       115–232; 132 Stat. 1665), as most recently amended by  
10      section 127 of the William M. (Mac) Thornberry National  
11      Defense Authorization Act for Fiscal Year 2021 (Public  
12      Law 116–283), is further amended by striking “for fiscal  
13      years 2019, 2020, or 2021” and inserting “for fiscal years  
14      2019, 2020, 2021, or 2022”.

#### 15   **SEC. 132. ANALYSIS OF CERTAIN RADAR INVESTMENT OP-** 16                   **TIONS.**

17       (a) ANALYSIS.—

18           (1) IN GENERAL.—The Director of Cost Assess-  
19       ment and Program Evaluation shall conduct an  
20       analysis of covered radar systems operating with the  
21       Aegis combat system in the Navy and the Missile  
22       Defense Agency in the future-years defense pro-  
23       gram.

24           (2) ELEMENTS.—The analysis conducted under  
25       paragraph (1) shall include the following:

1 (A) An independent cost estimate of each  
2 covered radar systems described in paragraph  
3 (1) and each variant thereof.

4 (B) An assessment of the capability pro-  
5 vided by each such system and variant to ad-  
6 dress current and future air and missile defense  
7 threats.

8 (C) In the case of covered radar systems  
9 operating with the Aegis combat system in the  
10 Navy, an assessment of the capability and tech-  
11 nical suitability of each planned configuration  
12 for such systems to support current and future  
13 distributed maritime operations in contested en-  
14 vironments.

15 (b) REPORT.—Not later than March 1, 2022, the Di-  
16 rector of Cost Assessment and Program Evaluation shall  
17 submit to the congressional defense committees the fol-  
18 lowing:

19 (1) A report on the results of the analysis con-  
20 ducted under subsection (a)(1).

21 (2) Such recommendations as the Director may  
22 have to achieve greater capability, affordability, and  
23 sustainability across covered radar systems described  
24 in subsection (a)(1), including variants thereof, dur-  
25 ing fiscal years 2022 through 2027, including

1       whether to maintain parallel paths with different  
2       systems configurations or to choose to pursue fewer  
3       configurations.

4       (c) COVERED RADAR SYSTEMS DEFINED.—In this  
5       section, the term “covered radar systems” includes the fol-  
6       lowing:

7               (1) AN/SPY–1.

8               (2) AN/SPY–6.

9               (3) AN/SPY–7.

10   **SEC. 133. EXTENSION OF REPORT ON LITTORAL COMBAT**  
11                           **SHIP MISSION PACKAGES.**

12       Section 123(a)(1) of the National Defense Authoriza-  
13       tion Act for Fiscal Year 2017 (Public Law 114–328; 130  
14       Stat. 2030) is amended by striking “fiscal year 2022” and  
15       inserting “fiscal year 2027”.

16   **SEC. 134. EXTENSION OF PROCUREMENT AUTHORITIES**  
17                           **FOR CERTAIN AMPHIBIOUS SHIPBUILDING**  
18                           **PROGRAMS.**

19       Section 124(a)(1) of the William M. (Mac) Thorn-  
20       berry National Defense Authorization Act for Fiscal Year  
21       2021 (Public Law 116–283) is amended by striking “fis-  
22       cal year 2021” and inserting “fiscal years 2021 and  
23       2022”.

1 **SEC. 135. LIMITATION ON DECOMMISSIONING OR INAC-**  
2 **TIVATING A BATTLE FORCE SHIP BEFORE**  
3 **THE END OF EXPECTED SERVICE LIFE.**

4 (a) IN GENERAL.—Chapter 863 of title 10, United  
5 States Code, is amended by inserting after section 8678  
6 the following new section:

7 **“§ 8678a. Limitation on decommissioning or inac-**  
8 **tivating a battle force ship before the end**  
9 **of expected service life**

10 “(a) LIMITATION.—The Secretary of the Navy may  
11 not decommission or inactivate a battle force ship before  
12 the end of the expected service life of the ship.

13 “(b) WAIVER.—The Secretary may waive the limita-  
14 tion under subsection (a) not fewer than 30 days after  
15 the date on which the Secretary submits to the congres-  
16 sional defense committees a certification described in sub-  
17 section (c).

18 “(c) CERTIFICATION DESCRIBED.—A certification  
19 described in this subsection is a certification that—

20 “(1)(A) maintaining the battle force ship in a  
21 reduced operating status is not feasible;

22 “(B) maintaining the ship with reduced capa-  
23 bility is not feasible;

24 “(C) maintaining the ship as a Navy Reserve  
25 unit is not feasible;

1           “(D) transferring the ship to the Coast Guard  
2           is not feasible;

3           “(E) maintaining the ship is not required to  
4           support the most recent national defense strategy re-  
5           quired by section 113(g) of this title; and

6           “(F) maintaining the ship is not required to  
7           support operational plans of any combatant com-  
8           mander; and

9           “(2) includes an explanation of—

10           “(A) the options assessed and the rationale  
11           for the determinations under subparagraphs (A)  
12           through (D) of paragraph (1); and

13           “(B) the rationale for the determinations  
14           under subparagraphs (E) and (F) of such para-  
15           graph.

16           “(d) FORM.—A certification submitted under sub-  
17           section (b) shall be submitted in unclassified form, but  
18           may include a classified annex.

19           “(e) DEFINITIONS.—In this section:

20           “(1) The term ‘battle force ship’ means the fol-  
21           lowing:

22           “(A) A commissioned United States Ship  
23           warship capable of contributing to combat oper-  
24           ations.

1                   “(B) A United States Naval Ship that con-  
2                   tributes directly to Navy warfighting or support  
3                   missions.

4                   “(2) The term ‘expected service life’ means the  
5                   number of years a naval vessel is expected to be in  
6                   service.”.

7                   (b) CLERICAL AMENDMENT.—The table of sections  
8                   at the beginning of chapter 863 of such title is amended  
9                   by inserting after the item relating to section 8678 the  
10                  following new item:

                  “8678a. Limitation on decommissioning or inactivating a battle force ship before  
                  the end of expected service life.”.

11 **SEC. 136. ACQUISITION, MODERNIZATION, AND**  
12 **SUSTAINMENT PLAN FOR CARRIER AIR**  
13 **WINGS.**

14                  (a) PLAN REQUIRED.—Not later than February 1,  
15 2022, the Secretary of the Navy shall submit to the con-  
16 gressional defense committees a 15-year acquisition, mod-  
17 ernization, and sustainment plan for the carrier air wings  
18 of the Navy.

19                  (b) ELEMENTS.—The plan required by subsection (a)  
20 shall include the following:

21                   (1) An assessment of how well the capabilities  
22                   and composition of the carrier air wings meet the re-  
23                   quirements of the National Defense Strategy and a

1 plan to address known shortfalls such as with re-  
2 spect to tanker capacity and strike fighter range.

3 (2) An identification of the role of autonomous  
4 aircraft, including the MQ-25 aircraft, and other po-  
5 tential future capabilities and platforms in future  
6 carrier air wings.

7 (3) An assessment of whether nine carrier air  
8 wings is the correct force structure, considering—

9 (A) whether the composition of aircraft  
10 and squadrons within a carrier air wing as of  
11 the date on which the plan is submitted is ade-  
12 quate; and

13 (B) whether ten carrier air wings, the min-  
14 imum number to be maintained under section  
15 8062(e) of title 10, United States Code, after  
16 the earlier of the two dates referred to in sub-  
17 paragraphs (A) and (B) of paragraph (1) of  
18 such section, is adequate.

19 (4) An identification of the appropriate mod-  
20 ernization plan to maximize operational use of plat-  
21 forms in existence as of the date on which the report  
22 is submitted, particularly the EA-18G aircraft and  
23 the E-2D aircraft, by leveraging available tech-  
24 nologies such as Next Generation Jammer.

1 **SEC. 137. IMPROVING OVERSIGHT OF NAVY CONTRACTS**  
2 **FOR SHIPBUILDING, CONVERSION, AND RE-**  
3 **PAIR.**

4 (a) IN GENERAL.—Chapter 805 title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“§ 8039. Deputy Commander of the Naval Sea Systems**  
8 **Command for the Supervision of Ship-**  
9 **building, Conversion, and Repair**

10 “(a) IN GENERAL.—The Secretary of the Navy shall  
11 establish and appoint an individual to the position of Dep-  
12 uty Commander of the Naval Sea Systems Command for  
13 the Supervision of Shipbuilding, Conversion, and Repair  
14 (in this section referred to as the ‘Deputy Commander’).

15 “(b) QUALIFICATIONS.—The Deputy Commander  
16 shall be a flag officer of the Navy or an employee of the  
17 Navy in a Senior Executive Service position.

18 “(c) REPORTING.—The Deputy Commander shall re-  
19 port directly to the Commander of the Naval Sea Systems  
20 Command.

21 “(d) GENERAL RESPONSIBILITIES.—The Deputy  
22 Commander shall—

23 “(1) independently administer and manage the  
24 execution of Department of Defense contracts  
25 awarded to commercial entities for shipbuilding, con-  
26 version, and repair at the facilities of such entities;

1           “(2) serve as the designated contract adminis-  
2           tration office of the Department responsible for per-  
3           forming contract administration services for the con-  
4           tracts described in paragraph (1);

5           “(3) enforce contract requirements of the con-  
6           tracts described in paragraph (1), ensuring contrac-  
7           tors and the Department satisfy contractual obliga-  
8           tions;

9           “(4) work with contractors and Federal agen-  
10          cies to facilitate greater quality and economy in the  
11          products and services being procured; and

12          “(5) provide on-site quality assurance for con-  
13          tracts described in paragraph (1), including inspec-  
14          tions.

15          “(e) NON-CAS FUNCTIONS.—The Deputy Com-  
16          mander shall manage the complexities and unique de-  
17          mands of shipbuilding, conversion, and repair by per-  
18          forming the following non-contract administration services  
19          functions for Navy Program Executives Offices, fleet com-  
20          manders, and the Naval Sea Systems Command head-  
21          quarters:

22                 “(1) Project oversight, including the following:

23                         “(A) Coordinating responses to non-con-  
24                         tractual emergent problems.

1           “(B) Coordinating activities of  
2 precommissioning crews and ship’s force, and  
3 other Government activities.

4           “(C) Communicating with customers and  
5 higher authority regarding matters that may af-  
6 fect project execution.

7           “(2) Technical authority, including the fol-  
8 lowing:

9           “(A) Executing the technical authority re-  
10 sponsibilities of the Waterfront Chief Engineer.

11           “(B) Serving as the waterfront technical  
12 authority of the Naval Sea Systems Command  
13 responsible for providing Government direction  
14 and coordination in the resolution of technical  
15 issues.

16           “(C) Contract planning and procurement,  
17 including participation in acquisition planning  
18 and pre-award activities, including assessment  
19 of contractor qualifications.

20           “(f) COMPREHENSIVE CONTRACT MANAGEMENT.—  
21 The Deputy Commander shall maintain direct relation-  
22 ships with the Director of the Defense Contract Manage-  
23 ment Agency and the Director of the Defense Contract  
24 Audit Agency to facilitate comprehensive contract man-

1 agement and oversight of contractors awarded a contract  
2 described in subsection (d)(1) and subcontractors.

3 “(g) SUBCONTRACTOR AUDITS.—The Deputy Com-  
4 mander shall request that the Director of the Defense  
5 Contract Audit Agency perform periodic audits of sub-  
6 contractors that perform cost- or incentive-type sub-  
7 contracts for which the Deputy Commander serves as the  
8 designated contract administration office of the Depart-  
9 ment and that are valued at \$50,000,000 or more.

10 “(h) ANNUAL WRITTEN ASSESSMENT.—(1) Not later  
11 than March 1 of each year, the Deputy Commander shall  
12 submit to the congressional defense committees a written  
13 assessment of the contracts for which the Deputy Com-  
14 mander serves as the designated contract administration  
15 office of the Department.

16 “(2) Each written assessment required by paragraph  
17 (1) shall include the following:

18 “(A) The cost, schedule, and performance of  
19 each contract covered by the assessment.

20 “(B) A summary of any requests for corrective  
21 action or other significant contract discrepancies  
22 documented by the office of the Deputy Commander,  
23 the Defense Contract Management Agency, or the  
24 Defense Contract Audit Agency for such contracts,  
25 and any actions planned or taken in response.



1       **Subtitle D—Air Force Programs**

2       **SEC. 141. REQUIRED MINIMUM INVENTORY OF TACTICAL**  
3               **AIRLIFT AIRCRAFT.**

4           (a) **IN GENERAL.**—The Secretary of the Air Force  
5 shall maintain a total tactical airlift aircraft inventory of  
6 not less than 292 aircraft.

7           (b) **EXCEPTION.**—The Secretary of the Air Force  
8 may reduce the number of C-130 aircraft in the Air Force  
9 below the minimum number specified in subsection (a) if  
10 the Secretary of the Air Force determines, on a case-by-  
11 case basis, that an aircraft is no longer mission capable  
12 because of a mishap or other damage.

13          (c) **SAVINGS CLAUSE.**—

14           (1) **IN GENERAL.**—During fiscal years 2021,  
15 2022, and 2023, the Secretary of the Air Force is  
16 prohibited from reducing the total tactical airlift air-  
17 craft inventory from the National Guard.

18           (2) **REPLACEMENTS.**—The Secretary of the Air  
19 Force may remove an aircraft from the total tactical  
20 airlift aircraft inventory of the National Guard if the  
21 Secretary of the Air Force replaces the aircraft with  
22 a similarly capable mobility aircraft.

23           (d) **SUNSET.**—This section shall not apply after Octo-  
24 ber 1, 2023.

1 (e) CONFORMING AMENDMENT.—Section 134(d) of  
2 the William M. (Mac) Thornberry National Defense Au-  
3 thorization Act for Fiscal Year 2021 (Public Law 116–  
4 283) is amended by striking “October 1, 2021” and in-  
5 serting “the date of the enactment of the National De-  
6 fense Authorization Act for Fiscal Year 2022”.

7 **SEC. 142. EXTENSION OF INVENTORY REQUIREMENT FOR**  
8 **AIR FORCE FIGHTER AIRCRAFT.**

9 (a) EXTENSION OF INVENTORY REQUIREMENT.—  
10 Section 9062(i)(1) of title 10, United States Code, is  
11 amended by striking “October 1, 2022” and inserting  
12 “October 1, 2026”.

13 (b) EXTENSION OF LIMITATION ON RETIREMENT OF  
14 AIR FORCE FIGHTER AIRCRAFT.—Section 131(b) of the  
15 National Defense Authorization Act for Fiscal Year 2018  
16 (Public Law 115–91; 131 Stat. 1314; 10 U.S.C. 9062  
17 note) is amended—

18 (1) in paragraph (1), by striking “October 1,  
19 2022” and inserting “October 1, 2026”; and

20 (2) in paragraph (2), by striking “October 1,  
21 2022” and inserting “October 1, 2026”.

22 **SEC. 143. PROHIBITION ON USE OF FUNDS FOR RETIRE-**  
23 **MENT OF A-10 AIRCRAFT.**

24 (a) PROHIBITION.—Notwithstanding sections 134  
25 and 135 of the National Defense Authorization Act for

1 Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2037),  
2 and except as provided in subsection (b), none of the funds  
3 authorized to be appropriated by this Act for fiscal year  
4 2022 for the Air Force may be obligated to retire, prepare  
5 to retire, or place in storage or on backup aircraft inven-  
6 tory status any A–10 aircraft.

7 (b) EXCEPTION.—

8 (1) IN GENERAL.—The limitation under sub-  
9 section (a) shall not apply to an individual A–10 air-  
10 craft that the Secretary of the Air Force determines,  
11 on a case-by-case basis, to be no longer mission ca-  
12 pable because of a Class A mishap.

13 (2) CERTIFICATION REQUIRED.—If the Sec-  
14 retary determines under paragraph (1) that an air-  
15 craft is no longer mission capable, the Secretary  
16 shall submit to the congressional defense committees  
17 a certification that the status of such aircraft is due  
18 to a Class A mishap and not due to lack of mainte-  
19 nance or repairs or other reasons.

20 (3) CERTIFICATION ADDITIONAL.—Any certifi-  
21 cation submitted under paragraph (2) shall be in ad-  
22 dition to the notification and certification required  
23 by section 135(b) of the National Defense Author-  
24 ization Act for Fiscal Year 2017 (Public Law 114–  
25 328; 130 Stat. 2039).

1           (c) IMPLEMENTATION REPORT.—Not later than 90  
2 days after the date of the enactment of this Act, the Sec-  
3 retary of the Air Force shall submit to the congressional  
4 defense committees a report setting forth the following:

5           (1) The plans of the Secretary to re-wing each  
6 of the aircraft in the fleet of 281 A–10 aircraft that  
7 have not received new wings as of the date of the  
8 enactment of this Act, including—

9           (A) the funding needed to complete re-  
10 winging of the aircraft in the fleet and the fis-  
11 cal year in which such funds will be requested;  
12 and

13           (B) the plan for executing the installations,  
14 including the intended location, number of air-  
15 craft, and fiscal year in which installations will  
16 be completed.

17           (2) The funding needed to maintain the aircraft  
18 in the fleet of 281 A–10 aircraft at a rate of oper-  
19 ational readiness of not less than 80 percent mission  
20 capable and not less than 70 percent fully mission  
21 capable, including—

22           (A) the funding for unit, intermediate, and  
23 depot maintenance and repair, spare parts, fuel  
24 and all other flying hour costs;

1 (B) the actual funding being made avail-  
2 able by the Air Force to achieve and maintain  
3 such readiness levels; and

4 (C) any actions taken or contemplated to  
5 be taken to bridge any shortfall.

6 (d) REPORT ON COMPARISON TEST AND EVALUA-  
7 TION THAT EXAMINES CAPABILITIES OF F-35A AND A-  
8 10C AIRCRAFT.—Section 134(e)(1) of the National De-  
9 fense Authorization Act for Fiscal Year 2017 (Public Law  
10 114–328; 130 Stat. 2038) is amended—

11 (1) in subparagraph (A), by striking “; and”  
12 and inserting a semicolon;

13 (2) in subparagraph (B)—

14 (A) by inserting “the results and findings  
15 of” before “a comparison”; and

16 (B) by striking the period at the end and  
17 inserting a semicolon; and

18 (3) by adding after subparagraph (B) the fol-  
19 lowing new subparagraph:

20 “(C) details of the design and metrics of  
21 the comparison test and evaluation described in  
22 subparagraph (B), including each scenario ex-  
23 amined in the test, number of sorties, time on  
24 station, how the interaction with ground forces  
25 and Joint Terminal Air Controllers was as-

1           sessed or simulated, how scenarios adequately  
2           represented real-world threats, ability to strike  
3           representative targets, and combat dynamics in  
4           which close air support, search and rescue, and  
5           forward air controller airborne missions were  
6           conducted.”.

7   **SEC. 144. REQUIREMENTS RELATING TO REPORTS ON**  
8                           **FIGHTER AIRCRAFT.**

9           (a) **MODIFICATION OF LIMITATION ON RETIREMENT**  
10 **OF A-10 AIRCRAFT.**—Section 134(b) of the National De-  
11 fense Authorization Act for Fiscal Year 2017 (Public Law  
12 114–328; 130 Stat. 2037) is amended by striking “report  
13 under subsection (e)(2)” and inserting “part of the report  
14 under subsection (e)(2) that is required under subpara-  
15 graph (C) of that subsection”.

16           (b) **FIGHTER AIRCRAFT COMPARISON TEST RE-**  
17 **PORTS.**—

18                   (1) **REPORT FROM DIRECTOR OF OPERATIONAL**  
19 **TEST AND EVALUATION.**—Not later than 60 days  
20 after the date of the enactment of this Act, the Di-  
21 rector of Operational Test and Evaluation shall sub-  
22 mit to the congressional defense committees the part  
23 of the report required by section 134(e)(1)(B) of the  
24 National Defense Authorization Act for Fiscal Year  
25 2017 (Public Law 114–328; 130 Stat. 2038).

1           (2) REPORT FROM SECRETARY OF THE AIR  
2           FORCE.—Not later than 60 days after the date of  
3           the submission of the report under paragraph (1),  
4           the Secretary of the Air Force shall submit to the  
5           congressional defense committees the part of the re-  
6           port required by section 134(e)(2)(C) of the Na-  
7           tional Defense Authorization Act for Fiscal Year  
8           2017 (Public Law 114–328; 130 Stat. 2038).

9   **SEC. 145. PROHIBITION ON ADDITIONAL F-35 AIRCRAFT**  
10                           **FOR THE AIR NATIONAL GUARD.**

11           Beginning on the date of the enactment of this Act,  
12           the Secretary of the Air Force may not equip any unit  
13           of the Air National Guard of the United States with an  
14           F–35 aircraft until the ratio of combat-coded F–35 air-  
15           craft of the Regular Air Force to combat-coded F–35 air-  
16           craft of the Air National Guard is greater than 4 to 1.

17   **SEC. 146. PROHIBITION ON AVAILABILITY OF FUNDS FOR**  
18                           **REDUCING THE NUMBER OF KC-135 AIR-**  
19                           **CRAFT OF THE AIR NATIONAL GUARD DES-**  
20                           **IGNATED AS PRIMARY MISSION AIRCRAFT IN-**  
21                           **VENTORY.**

22           Section 135(d) of the William M. (Mac) Thornberry  
23           National Defense Authorization Act for Fiscal Year 2021  
24           (Public Law 116–283) is amended—

1 (1) by striking “None” and inserting the fol-  
2 lowing:

3 “(1) FISCAL YEAR 2021.—None”; and

4 (2) by adding at the end the following new  
5 paragraph:

6 “(2) FISCAL YEAR 2022.—None of the funds au-  
7 thorized to be appropriated by this Act for fiscal  
8 year 2022 for the Air Force may be obligated to re-  
9 duce the number of KC–135 aircraft of the Air Na-  
10 tional Guard designated as primary mission aircraft  
11 inventory.”.

12 **SEC. 147. AUTHORITY TO DIVEST 18 KC–135 AIRCRAFT.**

13 Notwithstanding section 135 of the William M. (Mac)  
14 Thornberry National Defense Authorization Act for Fiscal  
15 Year 2021 (Public Law 116–283), during the period be-  
16 ginning on the date of the enactment of this Act and end-  
17 ing on October 1, 2022, the Secretary of the Air Force  
18 may divest 18 KC–135 aircraft.

19 **SEC. 148. PROHIBITION ON USE OF FUNDS FOR A FOLLOW-**  
20 **ON TANKER AIRCRAFT TO THE KC–46 AIR-**  
21 **CRAFT.**

22 None of the funds authorized to be appropriated by  
23 this Act for fiscal year 2022 for the Air Force may be  
24 obligated for a follow-on tanker aircraft to the KC–46 air-  
25 craft (commonly referred to as a “bridge tanker”) until

1 the date on which the Remote Vision System version 2.0  
2 begins operational testing.

3 **SEC. 149. MAINTENANCE OF B-1 BOMBER AIRCRAFT**  
4 **SQUADRONS.**

5 The Secretary of the Air Force shall fully maintain  
6 the operational and maintenance squadrons of the B-1  
7 bomber aircraft in existence as of the date of the enact-  
8 ment of this Act until at least September 30, 2030, unless  
9 such squadrons are replaced by units of the B-21 bomber  
10 aircraft.

11 **Subtitle E—Defense-wide, Joint,**  
12 **and Multiservice Matters**

13 **SEC. 161. PROHIBITION ON DUPLICATION OF EFFORTS TO**  
14 **PROVIDE AIR- AND SPACE-BASED GROUND**  
15 **MOVING TARGET INDICATOR CAPABILITY.**

16 (a) PROHIBITION ON DUPLICATION OF EFFORTS.—  
17 The Secretary of Defense shall ensure that efforts to pro-  
18 vide air- and space-based ground moving target indicator  
19 capability are not duplicated across the Department of De-  
20 fense.

21 (b) PROHIBITION ON USE OF FUNDS.—The Sec-  
22 retary of Defense may not obligate or expend any funds  
23 to provide the capability described in subsection (a) until  
24 the Vice Chairman of the Joint Chiefs of Staff, in con-  
25 sultation with the Secretaries of the military departments

1 and the heads of such agencies as the Secretary of Defense  
2 considers appropriate, submits to the congressional de-  
3 fense committees the following:

4 (1) A list of all procurement and research and  
5 development efforts relating to the capability de-  
6 scribed in subsection (a) funded by the Department  
7 of Defense or any other agency of the executive  
8 branch.

9 (2) A description of how the efforts described in  
10 paragraph (1) will provide real-time information to  
11 warfighters through the use of air battle managers  
12 and the joint all domain command and control ef-  
13 forts of the Department.

14 **SEC. 162. LIMITATION ON FUNDS FOR ARMED OVERWATCH**  
15 **AIRCRAFT.**

16 None of the funds authorized to be appropriated by  
17 this Act for Procurement, Defense-wide, for the procure-  
18 ment of armed overwatch aircraft by the United States  
19 Special Operations Command may be obligated or ex-  
20 pended until 15 days after submission to the congressional  
21 defense committees of the acquisition roadmap required  
22 by section 165(a) of the William M. (Mac) Thornberry Na-  
23 tional Defense Authorization Act for Fiscal Year 2021  
24 (Public Law 116–283).

1 **SEC. 163. TRANSITION OF F-35 PROGRAM SUSTAINMENT**  
2 **FROM JOINT PROGRAM OFFICE TO AIR**  
3 **FORCE AND NAVY.**

4 (a) **TRANSITION PLAN.**—Not later than February 1,  
5 2022, the Under Secretary of Defense for Acquisition and  
6 Sustainment, in consultation with the Secretary of the Air  
7 Force and the Secretary of the Navy, shall submit to the  
8 congressional defense committees a report with a plan for  
9 transitioning sustainment responsibilities for the F-35  
10 program away from the Joint Program Office. The plan  
11 shall include the full transfer by October 1, 2027, of  
12 sustainment responsibilities for the F-35A to the Air  
13 Force as executive agent and of sustainment responsibil-  
14 ities for the F-35B and F-35C to the Navy as executive  
15 agent.

16 (b) **TRANSITION REQUIREMENT.**—Not later than Oc-  
17 tober 1, 2027, the Secretary of Defense shall fully transi-  
18 tion sustainment responsibilities for the F-35 program  
19 from the Joint Program Office to the Air Force and the  
20 Navy as specified under subsection (a).

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **Subtitle A—Authorization of**  
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2022 for the use of the Department of Defense  
9 for research, development, test, and evaluation, as speci-  
10 fied in the funding table in section 4201.

11 **Subtitle B—Program Require-**  
12 **ments, Restrictions, and Limita-**  
13 **tions**

14 **SEC. 211. INCREASE IN ALLOWABLE RATE OF BASIC PAY**  
15 **FOR CERTAIN EMPLOYEES OF DEFENSE AD-**  
16 **VANCED RESEARCH PROJECTS AGENCY.**

17 Subparagraph (A) of section 1599h(b)(2) of title 10,  
18 United States Code, is amended to read as follows:

19 “(A) in the case of employees appointed pursu-  
20 ant to paragraph (1)(B)—

21 “(i) to any of 5 positions designated by the  
22 Director of the Defense Advanced Research  
23 Projects Agency for purposes of this clause, at  
24 rates not in excess of a rate equal to 150 per-  
25 cent of the maximum rate of basic pay author-

1            ized for positions at Level I of the Executive  
2            Schedule under section 5312 of title 5; and

3            “(ii) to any other position designated by  
4            the Director for purposes of this clause, at  
5            rates not in excess of the maximum amount of  
6            total annual compensation payable at the salary  
7            set in accordance with section 104 of title 3;  
8            and”.

9    **SEC. 212. ADDITIONAL MISSION AREAS FOR MECHANISMS**  
10                            **FOR EXPEDITED ACCESS TO TECHNICAL TAL-**  
11                            **ENT AND EXPERTISE AT ACADEMIC INSTITU-**  
12                            **TIONS BY DEPARTMENT OF DEFENSE.**

13            Section 217(e) of the National Defense Authorization  
14    Act for Fiscal Year 2018 (10 U.S.C. 2358 note) is amend-  
15    ed—

16            (1) by redesignating paragraph (30) as para-  
17            graph (33); and

18            (2) by inserting after paragraph (29) the fol-  
19            lowing new paragraphs (30), (31), and (32):

20            “(30) Research security and integrity.

21            “(31) Spectrum dominance.

22            “(32) Printed circuit boards.”.

1 **SEC. 213. MODIFICATION OF OTHER TRANSACTION AU-**  
2 **THORITY FOR RESEARCH PROJECTS.**

3 Section 2371 of title 10, United States Code, is  
4 amended—

5 (1) in subsection (e)—

6 (A) by striking paragraph (2);

7 (B) in paragraph (1), in the matter before  
8 subparagraph (A), by striking “(1)”; and

9 (C) by redesignating subparagraphs (A)  
10 and (B) as paragraphs (1) and (2), respectively;  
11 and

12 (2) by amending subsection (h) to read as fol-  
13 lows:

14 “(h) GUIDANCE.—The Secretary of Defense shall  
15 issue guidance to carry out this section.”.

16 **SEC. 214. ARTIFICIAL INTELLIGENCE METRICS.**

17 (a) IN GENERAL.—Not later than 180 days after the  
18 date of the enactment of this Act, the Secretary of Defense  
19 shall—

20 (1) review the potential applications of artificial  
21 intelligence and digital technology to Department of  
22 Defense platforms, processes, and operations; and

23 (2) establish performance objectives and accom-  
24 panying metrics for the incorporation of artificial in-  
25 telligence and digital readiness into such platforms,  
26 processes, and operations.

1 (b) PERFORMANCE OBJECTIVES AND ACCOMPANYING  
2 METRICS.—

3 (1) SKILL GAPS.—In carrying out subsection  
4 (a), the Secretary shall require each secretary of a  
5 military department and the head of each component  
6 of the Department shall—

7 (A)(i) conduct a comprehensive review of  
8 skill gaps in the fields of software development,  
9 software engineering, knowledge management,  
10 data science, and artificial intelligence;

11 (ii) assess the number and qualifications of  
12 civilian personnel needed for both management  
13 and specialist tracks in such fields;

14 (iii) assess the number of military per-  
15 sonnel (officer and enlisted) needed for both  
16 management and specialist tracks in such  
17 fields; and

18 (B) establish recruiting, training, and tal-  
19 ent management performance objectives and ac-  
20 companying metrics for achieving and maintain-  
21 ing staffing levels needed to fill identified gaps  
22 and meet the needs of the Department for  
23 skilled personnel.

24 (2) AI MODERNIZATION ACTIVITIES.—In car-  
25 rying out subsection (a), the Secretary shall—

1 (A) assess investment by the Department  
2 in artificial intelligence innovation, science and  
3 technology, and research and development;

4 (B) assess investment by the Department  
5 in test and evaluation of artificial intelligence  
6 capabilities; and

7 (C) establish performance objectives and  
8 accompanying metrics for artificial intelligence  
9 modernization activities of the Department.

10 (3) EXERCISES, WARGAMES, AND EXPERIMEN-  
11 TATION.—To assist the Secretary in carrying out  
12 subsection (a), the Chairman of the Joint Chiefs of  
13 Staff shall—

14 (A) assess the integration of artificial intel-  
15 ligence into war-games, exercises, and experi-  
16 mentation; and

17 (B) develop performance objectives and ac-  
18 companying metrics for such integration.

19 (4) LOGISTICS AND SUSTAINMENT.—In car-  
20 rying out subsection (a), the Secretary shall require  
21 the Under Secretary of Defense for Acquisition and  
22 Sustainment—

23 (A) to assess the application of artificial  
24 intelligence in logistics and sustainment sys-  
25 tems; and

1 (B) to establish performance objectives and  
2 accompanying metrics for integration of artifi-  
3 cial intelligence in the Department of Defense  
4 logistics and sustainment enterprise.

5 (5) BUSINESS AI APPLICATIONS.—In carrying  
6 out subsection (a), the Secretary of Defense shall—

7 (A) assess the integration of artificial intel-  
8 ligence for administrative functions that can be  
9 performed with robotic process automation and  
10 artificial intelligence-enabled analysis; and

11 (B) establish performance objectives and  
12 accompanying metrics for the integration of ar-  
13 tificial intelligence in priority business process  
14 areas of the Department, including the fol-  
15 lowing:

16 (i) Human resources.

17 (ii) Budget and finance, including  
18 audit.

19 (iii) Retail.

20 (iv) Real estate.

21 (v) Health care.

22 (vi) Logistics.

23 (vii) Such other business processes as  
24 the Secretary considers appropriate.

1 (c) REPORT TO CONGRESS.—Not later than 120 days  
2 after the completion of the review required by subsection  
3 (a)(1), the Secretary shall submit to the congressional de-  
4 fense committees a report on—

5 (1) the findings of the Secretary with respect to  
6 the review and any action taken or proposed to be  
7 taken by the Secretary to address such findings; and

8 (2) the performance objectives and accom-  
9 panying metrics established under subsections (a)(2)  
10 and (b).

11 **SEC. 215. MODIFICATION OF THE JOINT COMMON FOUNDA-**  
12 **TION PROGRAM.**

13 (a) MODIFICATION OF JOINT COMMON FOUNDA-  
14 TION.—The Secretary of Defense shall modify the Joint  
15 Common Foundation program conducted by the Joint Ar-  
16 tificial Intelligence Center to ensure that Department of  
17 Defense components can more easily contract with leading  
18 commercial artificial intelligence companies to support the  
19 rapid and efficient development and deployment of appli-  
20 cations and capabilities.

21 (b) QUALIFYING COMMERCIAL COMPANIES.—The  
22 Secretary shall take such actions as may be necessary to  
23 increase the number of commercial artificial intelligence  
24 companies eligible to provide support to Department of  
25 Defense components, including with respect to require-

1 ments for cybersecurity protections and processes, to  
2 achieve automatic authority to operate and provide contin-  
3 uous delivery, security clearances, data portability, and  
4 interoperability.

5 (c) USE OF FAR PART 12.—The Secretary shall en-  
6 sure that, to the maximum extent practicable, commercial  
7 artificial intelligence companies are able to offer plat-  
8 forms, services, applications, and tools to components  
9 through processes and procedures under part 12 of the  
10 Federal Acquisition Regulation.

11 (d) OBJECTIVES OF THE JOINT COMMON FOUNDA-  
12 TION PROGRAM.—The objectives of the Joint Common  
13 Foundation shall include the following:

14 (1) Relieving components of the need to design  
15 or develop or independently contract for the com-  
16 puting and data hosting platforms and associated  
17 services on and through which the component would  
18 apply its domain expertise to develop specific artifi-  
19 cial intelligence applications.

20 (2) Providing expert guidance to components in  
21 selecting commercial platforms, tools, and services to  
22 support the development of component artificial in-  
23 telligence applications.

24 (3) Ensuring that leading commercial artificial  
25 intelligence technologies and capabilities are easily

1 and rapidly accessible to components through  
2 streamlined contracting processes.

3 (4) Assisting components in designing, devel-  
4 oping, accessing, or acquiring commercial or non-  
5 commercial capabilities that may be needed to sup-  
6 port the operational use of artificial intelligence ap-  
7 plications.

8 (5) Enabling companies to develop software for  
9 artificial intelligence applications within secure soft-  
10 ware development environments that are controlled,  
11 sponsored, required, or specified by the Department  
12 of Defense, including PlatformOne of the Depart-  
13 ment of the Air Force

14 (e) BRIEFING.—Not later than 120 days after the  
15 date of the enactment of this Act, the Secretary shall pro-  
16 vide to the congressional defense committees a briefing on  
17 actions taken to carry out this section.

18 **SEC. 216. EXECUTIVE EDUCATION ON EMERGING TECH-**  
19 **NOLOGIES FOR SENIOR CIVILIAN AND MILI-**  
20 **TARY LEADERS.**

21 (a) ESTABLISHMENT OF COURSE.—Not later than  
22 two years after the date of the enactment of this Act, the  
23 Secretary of Defense shall establish executive education  
24 activities on emerging technologies for appropriate general  
25 and flag officers and senior executive-level civilian leaders

1 that are designed specifically to prepare new general and  
2 flag officers and senior executive-level civilian leaders on  
3 relevant technologies and how these technologies may be  
4 applied to military and business activities in the Depart-  
5 ment of Defense.

6 (b) PLAN FOR PARTICIPATION.—

7 (1) IN GENERAL.—The Secretary of Defense  
8 shall develop a plan for participation in executive  
9 education activities established under subsection (a).

10 (2) REQUIREMENTS.—As part of such plan, the  
11 Secretary shall ensure that, not later than five years  
12 after the date of the establishment of the activities  
13 under subsection (a), all appropriate general flag of-  
14 ficers and senior executive-level civilian leaders are—

15 (A) required to complete the executive edu-  
16 cation activities under such subsection; and

17 (B) certified as having successfully com-  
18 pleted the executive education activities.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than the date that  
21 is three years after the date of the enactment of this  
22 Act, the Secretary of Defense shall submit to the  
23 Committee on Armed Services of the Senate and the  
24 Committee on Armed Services of the House of Rep-

1           representatives a report on the status of the implemen-  
2           tation of the activities required by subsection (a).

3           (2) CONTENTS.—The report submitted under  
4           paragraph (1) shall include the following:

5                   (A) A description of the new general and  
6                   flag officers and senior executive-level civilian  
7                   leaders for whom the education activities have  
8                   been designated.

9                   (B) A recommendation with respect to con-  
10                  tinuing or expanding the activities required  
11                  under subsection (a).

12 **SEC. 217. IMPROVEMENTS RELATING TO NATIONAL NET-**  
13 **WORK FOR MICROELECTRONICS RESEARCH**  
14 **AND DEVELOPMENT.**

15           Section 9903(b) of the William M. (Mac) Thornberry  
16 National Defense Authorization Act for Fiscal Year 2021  
17 (Public Law 116–283) is amended—

18                   (1) in paragraph (1), in the matter before sub-  
19                   paragraph (A), by striking “may” and inserting  
20                   “shall”; and

21                   (2) by adding at the end the following new  
22                   paragraphs:

23                           “(3) STRUCTURE.—(A) In carrying out para-  
24                           graph (1), the Secretary shall, through a competitive  
25                           process, select two or more entities to carry out the

1 activities described in paragraph (2) as part of the  
2 network established under paragraph (1).

3 “(B) The Secretary shall, to the extent prac-  
4 ticable, ensure that the entities selected under sub-  
5 paragraph (A) collectively represent the geographic  
6 diversity of the United States.”.

7 **SEC. 218. ACTIVITIES TO ACCELERATE DOMESTIC QUAN-**  
8 **TUM COMPUTING CAPABILITIES.**

9 (a) **ACTIVITIES REQUIRED.**—The Secretary of De-  
10 fense shall establish a set of activities—

11 (1) to accelerate the development and deploy-  
12 ment of a useful, large scale, dual-use quantum com-  
13 puting capability;

14 (2) to ensure that the Department of Defense  
15 is fully aware and has a technical understanding of  
16 the maturity and operational utility of new and  
17 emerging quantum computing technologies; and

18 (3) to ensure the Department of Defense con-  
19 sistently has access to the most advanced quantum  
20 computing capabilities available in the commercial  
21 sector to support research and modernization activi-  
22 ties.

23 (b) **ASSISTANCE PROGRAM.**—

24 (1) **PROGRAM REQUIRED.**—In carrying out sub-  
25 section (a) and subject to the availability of appro-

1        priations for this purpose, the Secretary shall, acting  
2        through the Director of the Defense Advanced Re-  
3        search Projects Agency and in consultation with  
4        such officials from government and private sector or-  
5        ganizations as the Secretary considers appropriate,  
6        establish a program under which the Secretary may  
7        award assistance to one or more organizations to ac-  
8        celerate the development and deployment of a useful,  
9        dual-use quantum computing capability.

10            (2) FORM OF ASSISTANCE.—Assistance award-  
11        ed under the program required by paragraph (1)  
12        may consist of a grant, a contract, a cooperative  
13        agreement, or such other form of assistance as the  
14        Secretary considers appropriate.

15            (3) AUTHORITIES AND ACQUISITION AP-  
16        PROACHES.—The Secretary may use the following  
17        authorities and acquisition approaches for the pro-  
18        gram required by paragraph (1):

19            (A) Section 2374a of title 10, United  
20        States Code, relating to prizes for advanced  
21        technology achievements.

22            (B) Section 2373 of such title, relating to  
23        procurement for experimental purposes.

1 (C) Sections 2371 and 2371b of such title,  
2 relating to transactions other than contracts  
3 and grants.

4 (D) Section 2358 of such title, relating to  
5 research and development projects.

6 (E) Section 879 of the National Defense  
7 Authorization Act for Fiscal Year 2017 (Public  
8 Law 114–328; 10 U.S.C. 2302 note), relating  
9 to defense pilot program for authority to ac-  
10 quire innovative commercial items, technologies,  
11 and services using general solicitation competi-  
12 tive procedures.

13 (F) Milestone payments based on technical  
14 achievements.

15 (G) Requirement for cost share from pri-  
16 vate sector participants in the program.

17 (H) Commercial procurements under part  
18 12 of the Federal Acquisition Regulations.

19 (I) Such other authorities or approaches as  
20 the Secretary considers appropriate.

21 (4) POLICIES AND PROCEDURES.—The Sec-  
22 retary shall, in consultation with such experts from  
23 government and industry as the Secretary considers  
24 appropriate, establish policies and procedures to  
25 carry out the program required by paragraph (1).

1 (c) BRIEFING AND REPORT.—

2 (1) BRIEFING.—Not later than March 1, 2022,  
3 the Secretary shall provide to the congressional de-  
4 fense committees a briefing on the plan to carry out  
5 the activities required by subsection (a) and the pro-  
6 gram required by subsection (b).

7 (2) REPORT.—Not later than December 31,  
8 2022, and not less frequently than once each year  
9 thereafter until December 31, 2026, the Secretary  
10 shall submit to the congressional defense committees  
11 a report on the activities carried out under sub-  
12 section (a) and the program carried out under sub-  
13 section (b).

14 **SEC. 219. PILOT PROGRAMS FOR PASSIVE TELECOMMUNI-**  
15 **CATIONS INFRASTRUCTURE TO FACILITATE**  
16 **INSTALLATION 5G DEPLOYMENT.**

17 (a) PLANS.—

18 (1) IN GENERAL.—Not later than 180 days  
19 after enactment of this Act, each Secretary of a mili-  
20 tary department shall submit to the congressional  
21 defense committees a plan for a pilot program for  
22 the deployment of passive telecommunications infra-  
23 structure to facilitate the deployment of fifth-genera-  
24 tion wireless telecommunications on military installa-  
25 tions of the respective military department.

1           (2) PLAN ELEMENTS.—Each plan submitted  
2           under paragraph (1) by a Secretary of a military de-  
3           partment shall include, with respect to such military  
4           department, the following:

5                   (A) A list of military installations at which  
6                   the pilot program will be carried out, including  
7                   at least one military installation of the depart-  
8                   ment.

9                   (B) A description of authorities that will  
10                  be used to execute the pilot program.

11                  (C) A timeline for the implementation and  
12                  duration of the pilot program.

13                  (D) The number of telecommunication car-  
14                  riers that intend to use the passive tele-  
15                  communications infrastructure to provide serv-  
16                  ices at each of the military installations listed  
17                  under subparagraph (A).

18                  (E) An assessment of need for centralized  
19                  processes and points of contacts to facilitate  
20                  passive telecommunications infrastructure or  
21                  similar telecommunications infrastructure.

22           (b) PILOT PROGRAMS REQUIRED.—Not later than  
23           one year after the date of the enactment of this Act, each  
24           Secretary of a military department shall establish a pilot

1 program in accordance with the plan submitted by the  
2 Secretary under subsection (a)(1).

3 (c) REPORTS.—

4 (1) IN GENERAL.—Not later than 180 days  
5 after the date on which a Secretary of a military de-  
6 partment commences a pilot program under sub-  
7 section (b) and not less frequently than once every  
8 180 days thereafter until the completion of the pilot  
9 program, the Secretary of the military department  
10 shall submit to the congressional defense committees  
11 a report on the pilot program.

12 (2) CONTENTS.—Each report submitted under  
13 paragraph (1) for a pilot program shall include the  
14 following:

15 (A) A description of the status of the pilot  
16 program at each location at which the pilot pro-  
17 gram is carried out.

18 (B) A description of the use of and serv-  
19 ices provided by telecommunications carriers of  
20 the passive telecommunications infrastructure  
21 at each military installation under the pilot pro-  
22 gram.

23 (C) Such additional information as the  
24 Secretary of the military department considers  
25 appropriate.

1 (d) PASSIVE TELECOMMUNICATIONS INFRASTRUC-  
2 TURE DEFINED.—In this section, the term “passive tele-  
3 communications infrastructure” means the passive compo-  
4 nents that enable services of commercial telecommuni-  
5 cation carriers and Department of Defense private net-  
6 works, including macro tower, small cell poles, distributed  
7 antenna systems, dark fiber, and assured power solutions.

8 **SEC. 220. NATIONAL GUARD PARTICIPATION IN MICRO-**  
9 **REACTOR TESTING AND EVALUATION.**

10 The Secretary of Defense may, in coordination with  
11 the Director of the Strategic Capabilities Office and the  
12 Chief of the National Guard Bureau, assemble a collection  
13 of four National Guard units to participate in the testing  
14 and evaluation of a micro nuclear reactor program.

15 **SEC. 221. LIMITATION ON TRANSFER OF CERTAIN OPER-**  
16 **ATIONAL FLIGHT TEST EVENTS AND REDUC-**  
17 **TION IN OPERATIONAL FLIGHT TEST CAPAC-**  
18 **ITY.**

19 The Secretary of the Navy may not transfer any oper-  
20 ational flight test event to be completed by a nontest des-  
21 ignated unit and may not reduce any operational flight  
22 test capacity until such time as the Director of Oper-  
23 ational Test and Evaluation has, in consultation with the  
24 Secretary of the Navy, certified that the use of nontest  
25 designated units to conduct flight tests will not have any

1 appreciable effect on program cost, program schedule, or  
2 the efficacy of test completion.

3 **SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
4 **THE HIGH ACCURACY DETECTION AND EX-**  
5 **PLOITATION SYSTEM.**

6 Of the funds authorized to be appropriated by this  
7 Act for fiscal year 2022 for Research, Development, Test  
8 and Evaluation, Army, for the High Accuracy Detection  
9 and Exploitation System, not more than 50 percent may  
10 be obligated until the Vice Chairman of the Joint Chiefs  
11 of Staff certifies that—

12 (1) the High Accuracy Detection and Exploi-  
13 tation System is a critical component of Project  
14 Convergence of the Army and is consistent with the  
15 Joint All Domain Command and Control strategy of  
16 the Department of Defense; and

17 (2) in a conflict, it will be able to operate at  
18 standoff distances for survivability against enemy air  
19 defenses, while providing signals intelligence, elec-  
20 tronic intelligence, communications intelligence, or  
21 synthetic aperture radar or moving target indicator  
22 information to the ground component commander,  
23 consistent with planned operational concepts.

1           **Subtitle C—Codification and**  
2           **Technical Corrections**

3   **SEC. 231. CODIFICATION OF DIRECT HIRE AUTHORITY AT**  
4                   **PERSONNEL DEMONSTRATION LABORA-**  
5                   **TORIES FOR ADVANCED DEGREE HOLDERS.**

6           (a) IN GENERAL.—Section 2358a of title 10, United  
7 States Code, is amended—

8                   (1) by redesignating subsection (f) as sub-  
9                   section (g); and

10                   (2) by inserting after subsection (e) the fol-  
11                   lowing new subsection (f):

12           “(f) DIRECT HIRE AUTHORITY AT PERSONNEL DEM-  
13           ONSTRATION LABORATORIES FOR ADVANCED DEGREE  
14           HOLDERS.—

15                   “(1) AUTHORITY.—The Secretary of Defense  
16                   may appoint qualified candidates possessing an ad-  
17                   vanced degree to positions described in paragraph  
18                   (2) without regard to the provisions of subchapter I  
19                   of chapter 33 of title 5, other than sections 3303  
20                   and 3328 of such title.

21                   “(2) APPLICABILITY.—This subsection applies  
22                   with respect to candidates for scientific and engi-  
23                   neering positions within any laboratory designated  
24                   by section 1105(a) of the National Defense Author-  
25                   ization Act for Fiscal Year 2010 (Public Law 111—

1       84; 123 Stat. 2486; 10 U.S.C. 2358 note) as a De-  
2       partment of Defense science and technology reinven-  
3       tion laboratory.

4           “(3) LIMITATION.—(A) Authority under this  
5       subsection may not, in any calendar year and with  
6       respect to any laboratory, be exercised with respect  
7       to a number of candidates greater than the number  
8       equal to 5 percent of the total number of scientific  
9       and engineering positions within such laboratory  
10      that are filled as of the close of the fiscal year last  
11      ending before the start of such calendar year.

12          “(B) For purposes of this paragraph, positions  
13      and candidates shall be counted on a full-time equiv-  
14      alent basis.”.

15      (b) REPEAL.—Section 1108 of the Duncan Hunter  
16      National Defense Authorization Act for Fiscal Year 2009  
17      (Public Law 110–417) is hereby repealed.

18      (c) CONFORMING AMENDMENTS.—(1) Section  
19      255(b)(5)(B) of the National Defense Authorization Act  
20      for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.  
21      2223a note) is amended by striking “in section  
22      2358a(f)(3) of” and inserting “in section 2358a(g) of”.

23      (2) Section 223(d)(3)(C) of the National Defense Au-  
24      thorization Act for Fiscal Year 2020 (Public Law 116–

1 92; 10 U.S.C. 2358 note) is amended by striking “in sec-  
2 tion 2358a(f) of” and inserting “in section 2358a(g) of”.

3 **SEC. 232. CODIFICATION OF AUTHORITIES RELATING TO**  
4 **DEPARTMENT OF DEFENSE SCIENCE AND**  
5 **TECHNOLOGY REINVENTION LABORATORIES.**

6 (a) IN GENERAL.—Subchapter II of chapter 305 of  
7 title 10, United States Code, as added by section 1843  
8 of the William M. (Mac) Thornberry National Defense Au-  
9 thorization Act for Fiscal Year 2021 (Public Law 116–  
10 283), is amended by inserting before section 4111 the fol-  
11 lowing new section:

12 **“§ 4110. Science and technology reinvention labora-**  
13 **tories: authority and designation**

14 “(a) IN GENERAL.—(1) The Secretary of Defense  
15 may carry out personnel demonstration projects at De-  
16 partment of Defense laboratories designated by the Sec-  
17 retary as Department of Defense science and technology  
18 reinvention laboratories.

19 “(2)(A) Each personnel demonstration project car-  
20 ried out under the authority of paragraph (1) shall be gen-  
21 erally similar in nature to the China Lake demonstration  
22 project.

23 “(B) For purposes of subparagraph (A), the China  
24 Lake demonstration project is the demonstration project  
25 that is authorized by section 6 of the Civil Service Mis-

1 cellaneous Amendments Act of 1983 (Public Law 98–224)  
2 to be continued at the Naval Weapons Center, China  
3 Lake, California, and at the Naval Ocean Systems Center,  
4 San Diego, California.

5 “(3) If the Secretary carries out a demonstration  
6 project at a laboratory pursuant to paragraph (1), section  
7 4703 of title 5 shall apply to the demonstration project,  
8 except that—

9 “(A) subsection (d) of such section 4703 shall  
10 not apply to the demonstration project;

11 “(B) the authority of the Secretary to carry out  
12 the demonstration project is that which is provided  
13 in paragraph (1) rather than the authority which is  
14 provided in such section 4703; and

15 “(C) the Secretary shall exercise the authorities  
16 granted to the Office of Personnel Management  
17 under such section 4703 through the Under Sec-  
18 retary of Defense for Research and Engineering  
19 (who shall place an emphasis in the exercise of such  
20 authorities on enhancing efficient operations of the  
21 laboratory and who may, in exercising such authori-  
22 ties, request administrative support from science and  
23 technology reinvention laboratories to review, re-  
24 search, and adjudicate personnel demonstration  
25 project proposals).

1           “(4) The employees of a laboratory covered by a per-  
2           sonnel demonstration project carried out under this sec-  
3           tion shall be exempt from, and may not be counted for  
4           the purposes of, any constraint or limitation in a statute  
5           or regulation in terms of supervisory ratios or maximum  
6           number of employees in any specific category or categories  
7           of employment that may otherwise be applicable to the em-  
8           ployees. The employees shall be managed by the director  
9           of the laboratory subject to the supervision of the Under  
10          Secretary of Defense for Research and Engineering.

11          “(5) The limitations in section 5373 of title 5 do not  
12          apply to the authority of the Secretary under this sub-  
13          section to prescribe salary schedules and other related  
14          benefits.

15          “(b) DESIGNATION OF LABORATORIES.—Each of the  
16          following is hereby designated as a Department of Defense  
17          science and technology reinvention laboratory as described  
18          in subsection (a):

19                 “(1) The Air Force Research Laboratory.

20                 “(2) The Joint Warfare Analysis Center.

21                 “(3) The Army Research Institute for the Be-  
22          havioral and Social Sciences.

23                 “(4) The Combat Capabilities Development  
24          Command Armaments Center.

1           “(5) The Combat Capabilities Development  
2 Command Army Research Laboratory.

3           “(6) The Combat Capabilities Development  
4 Command Aviation and Missile Center.

5           “(7) The Combat Capabilities Development  
6 Command Chemical Biological Center.

7           “(8) The Combat Capabilities Development  
8 Command Command, Control, Communications,  
9 Computers, Cyber, Intelligence, Surveillance, and  
10 Reconnaissance Center.

11           “(9) The Combat Capabilities Development  
12 Command Ground Vehicle Systems Center.

13           “(10) The Combat Capabilities Development  
14 Command Soldier Center.

15           “(11) The Engineer Research and Development  
16 Center.

17           “(12) The Medical Research and Development  
18 Command.

19           “(13) The Technical Center, US Army Space  
20 and Missile Defense Command.

21           “(14) The Naval Air Systems Command War-  
22 fare Centers.

23           “(15) The Naval Facilities Engineering Com-  
24 mand Engineering and Expeditionary Warfare Cen-  
25 ter.

1           “(16) The Naval Information Warfare Centers,  
2 Atlantic and Pacific.

3           “(17) The Naval Medical Research Center.

4           “(18) The Naval Research Laboratory.

5           “(19) The Naval Sea Systems Command War-  
6 fare Centers.

7           “(20) The Office of Naval Research.

8           “(c) CONVERSION PROCEDURES.—The Secretary of  
9 Defense shall implement procedures to convert the civilian  
10 personnel of each Department of Defense science and  
11 technology reinvention laboratory, as so designated by  
12 subsection (b), to the personnel system under an appro-  
13 priate demonstration project (as referred to in subsection  
14 (a)). Any conversion under this subsection—

15           “(1) shall not adversely affect any employee  
16 with respect to pay or any other term or condition  
17 of employment;

18           “(2) shall be consistent with section 4703(f) of  
19 title 5;

20           “(3) shall be completed within 18 months after  
21 designation; and

22           “(4) shall not apply to prevailing rate employ-  
23 ees (as defined by section 5342(a)(2) of title 5) or  
24 senior executives (as defined by section 3132(a)(3)  
25 of such title).

1           “(d) LIMITATION.—The science and technology re-  
2 invention laboratories, as so designated by subsection (a),  
3 may not implement any personnel system, other than a  
4 personnel system under an appropriate demonstration  
5 project (as referred to subsection (a)), without prior con-  
6 gressional authorization.”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of chapter 305 of such title, as added  
9 by section 1843 of the William M. (Mac) Thornberry Na-  
10 tional Defense Authorization Act for Fiscal Year 2021  
11 (Public Law 116–283), is amended by inserting before the  
12 item relating to section 4111 the following new item:

“4110. Science and technology reinvention laboratories: authority and designa-  
tion.”.

13           (c) CONFORMING REPEALS.—(1) Section 1105 of the  
14 National Defense Authorization Act For Fiscal Year 2010  
15 (Public Law 111–84; 10 U.S.C. 2358 note) is hereby re-  
16 pealed.

17           (2) Section 342(b) of the National Defense Author-  
18 ization Act for Fiscal Year 1995 (Public Law 103–337;  
19 10 U.S.C. 2358 note) is hereby repealed.

20           (d) CONFORMING AMENDMENTS.—(1) Section  
21 1601(f) of the National Defense Authorization Act for  
22 Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2358  
23 note) is amended by striking “section 342 of the National  
24 Defense Authorization Act for Fiscal Year 1995 (Public

1 Law 103–337; 108 Stat. 2721)” and inserting “section  
2 4110(a) of title 10, United States Code”.

3 (2) Section 1107 of the National Defense Authoriza-  
4 tion Act for Fiscal Year 2008 (Public Law 110–181; 10  
5 U.S.C. 2358 note) is amended—

6 (A) by amending subsection (a) to read as fol-  
7 lows:

8 “(e) REQUIREMENT.—The Secretary of Defense shall  
9 take all necessary actions to fully implement and use the  
10 authorities provided to the Secretary under subsection (a)  
11 of section 4110 of title 10, United States Code, to carry  
12 out personnel management demonstration projects at De-  
13 partment of Defense laboratories designated by subsection  
14 (b) of such section as Department of Defense science and  
15 technology reinvention laboratories.”;

16 (B) in subsection (c), by striking “designated  
17 by section 1105(a) of the National Defense Author-  
18 ization Act for Fiscal Year 2010 (Public Law 111–  
19 84; 123 Stat. 2486)” and inserting “designated by  
20 section 4110(b) of title 10, United States Code”;  
21 and

22 (C) in subsection (e)(3), by striking “section  
23 342(b) of the National Defense Authorization Act  
24 for Fiscal Year 1995 (as cited in subsection (a))”

1           and inserting “section 4110(a) of title 10, United  
2           States Code”.

3           (3) Section 1109(c) of the National Defense Author-  
4           ization Act for Fiscal Year 2016 (Public Law 114–92; 10  
5           U.S.C. 2358 note) is amended by striking “specified in  
6           section 1105(a) of the National Defense Authorization Act  
7           for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
8           2486; 10 U.S.C. 2358 note)” and inserting “designated  
9           under section 4110(b) of title 10, United States Code”.

10          (4) Section 2803(a)(1) of the National Defense Au-  
11          thorization Act for Fiscal Year 2016 (Public Law 114–  
12          92; 10 U.S.C. 2358 note) is amended by striking “(as des-  
13          ignated by section 1105(a) of the National Defense Au-  
14          thorization Act for Fiscal Year 2010 (Public Law 111–  
15          84; 10 U.S.C. 2358 note)” and inserting “(as designated  
16          under section 4110(b) of title 10, United States Code)”.

17          (5) Section 1108(b) of the Duncan Hunter National  
18          Defense Authorization Act for Fiscal Year 2009 (Public  
19          Law 110–417; 10 U.S.C. 1580 note prec.) is amended by  
20          striking “section 1105(a) of the National Defense Author-  
21          ization Act for Fiscal Year 2010 (Public Law 111–84; 123  
22          Stat. 2486; 10 U.S.C. 2358 note)” and inserting “section  
23          4110(b) of title 10, United States Code”.

24          (6) Section 211(g) of the National Defense Author-  
25          ization Act for Fiscal Year 2017 (Public Law 114–328;

1 10 U.S.C. 2358 note) is amended by striking “under sec-  
2 tion 1105 of the National Defense Authorization Act for  
3 Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358  
4 note), as amended” and inserting “under section 4110(b)  
5 of title 10, United States Code”.

6 (7) Section 233(a)(2)(A) of the National Defense Au-  
7 thorization Act for Fiscal Year 2017 (Public Law 114–  
8 328; 10 U.S.C. 2358 note) is amended by striking “as  
9 specified in section 1105(a) of the National Defense Au-  
10 thorization Act for Fiscal Year 2010 (10 U.S.C. 2358  
11 note)” and inserting “as designated under section 4110(b)  
12 of title 10, United States Code”.

13 (8) Section 223(d)(3)(B) of the National Defense Au-  
14 thorization Act for Fiscal Year 2020 (Public Law 116–  
15 92; 10 U.S.C. 2358 note) is amended by striking “under  
16 section 1105 of the National Defense Authorization Act  
17 for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.  
18 2358 note)” and inserting “under section 4110(b) of title  
19 10, United States Code”.

20 (9) Section 252(e)(1) of the National Defense Au-  
21 thorization Act for Fiscal Year 2020 (Public Law 116–  
22 92; 10 U.S.C. 2358 note) is amended by striking “under  
23 section 1105 of the National Defense Authorization Act  
24 for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.

1 2358 note)” and inserting “under section 4110(b) of title  
2 10, United States Code”.

3 (10) Section 255(b)(5)(A) of the National Defense  
4 Authorization Act for Fiscal Year 2020 (Public Law 116–  
5 92; 10 U.S.C. 223a note) is amended by striking “(as des-  
6 ignated under section 1105 of the National Defense Au-  
7 thorization Act for Fiscal Year 2010 (Public Law 111–  
8 84; 10 U.S.C. 2358 note))” and inserting “(as designated  
9 under section 4110(b) of title 10, United States Code)”.

10 (11) Section 249 of the William M. (Mac) Thornberry  
11 National Defense Authorization Act for Fiscal Year 2021  
12 (Public Law 116–283) is amended—

13 (A) in subsection (e)(1)—

14 (i) in subparagraph (A), by striking  
15 “under section 2358a of title 10, United States  
16 Code” and inserting “under section 4110(b) of  
17 title 10, United States Code”;

18 (ii) by striking subparagraph (B); and

19 (iii) by redesignating subparagraph (C) as  
20 subparagraph (B); and

21 (B) in subsection (g)(1)(B) by striking “under  
22 section 1105 of the National Defense Authorization  
23 Act for Fiscal Year 2010 (Public Law 111–84; 10  
24 U.S.C. 2358 note)” and inserting “under section  
25 4111 of title 10, United States Code”.

1           (12) Section 2368(h)(3) of title 10, United States  
2 Code, as redesignated by section 1844(b)(1) of the Wil-  
3 liam M. (Mac) Thornberry National Defense Authoriza-  
4 tion Act for Fiscal Year 2021 (Public Law 116–283), is  
5 amended by striking “designated under section 1105 of  
6 the National Defense Authorization Act for Fiscal Year  
7 2010 (Public Law 111–84; 10 U.S.C. 2358 note)” and  
8 inserting “designated under section 4110(b) of this title”.

9           (13) Section 4111 of title 10, United States Code,  
10 as redesignated by section 1843(b)(2) of the William M.  
11 (Mac) Thornberry National Defense Authorization Act for  
12 Fiscal Year 2021 (Public Law 116–283), is amended—

13           (A) in subsection (b), by striking “designated  
14 by section 1105(a) of the National Defense Author-  
15 ization Act for Fiscal Year 2010 (Public Law 111–  
16 84; 10 U.S.C. 2358 note)” both places it appears  
17 and inserting “designated by section 4110(b) of this  
18 title”; and

19           (B) in subsection (d)(2), by striking “pursuant  
20 to section 342(b) of the National Defense Authoriza-  
21 tion Act for Fiscal Year 1995 (Public Law 103–337;  
22 10 U.S.C. 2358 note)” both places it appears and  
23 inserting “pursuant to section 4110(a) of this title”.

24           (14) Section 4112(f) of title 10, United States Code,  
25 as redesignated by section 1843(b)(2) of the William M.

1 (Mac) Thornberry National Defense Authorization Act for  
2 Fiscal Year 2021 (Public Law 116–283), as amended by  
3 subsection (e)(1) of this section, is amended by striking  
4 “by section 1105(a) of the National Defense Authorization  
5 Act for Fiscal Year 2010 (10 U.S.C. 2358 note)” and in-  
6 serting “by section 4110(b) of this title”.

7 (e) TECHNICAL CORRECTIONS.—(1) Section  
8 1843(b)(2) of the William M. (Mac) Thornberry National  
9 Defense Authorization Act for Fiscal Year 2021 (Public  
10 Law 116–283) is amended—

11 (A) by inserting “, 2358c,” after “Sections  
12 2358a”; and

13 (B) by striking “and 4112” and inserting “,  
14 4112, and 4113”, respectively.

15 (2) The table of sections at the beginning of chapter  
16 305 of title 10, United States Code, as added by section  
17 1843(a) of such Act, is amended by striking the item re-  
18 lating to section 4112 and inserting the following new  
19 items:

“4112. Enhanced pay authority for certain research and technology positions in  
science and technology reinvention laboratories.

“4113. Research and development laboratories: contracts for services of univer-  
sity students.”.

20 (f) EFFECTIVE DATES.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), this section and the amendments made by  
23 this section shall take effect immediately after title

1 XVIII of the William M. (Mac) Thornberry National  
2 Defense Authorization Act for Fiscal Year 2021  
3 (Public Law 116–283) and the amendments made  
4 by such title take effect pursuant to section  
5 1801(d)(1) of such Act.

6 (2) EFFECTIVE DATE OF CERTAIN TECHNICAL  
7 CORRECTION.—Subsection (e)(1) shall take effect on  
8 the date of the enactment of this Act.

9 **SEC. 233. CODIFICATION OF REQUIREMENT FOR DEFENSE**  
10 **ESTABLISHED PROGRAM TO STIMULATE**  
11 **COMPETITIVE RESEARCH.**

12 (a) IN GENERAL.—Chapter 301 of title 10, United  
13 States Code, as added by section 1841 of the William M.  
14 (Mac) Thornberry National Defense Authorization Act for  
15 Fiscal Year 2021 (Public Law 116–283), is amended by  
16 inserting after section 4009 the following new section:

17 **“§ 4011. Defense Established Program to Stimulate**  
18 **Competitive Research**

19 “(a) PROGRAM REQUIRED.—The Secretary of De-  
20 fense, acting through the Under Secretary of Defense for  
21 Research and Engineering, shall carry out a Defense Es-  
22 tablished Program to Stimulate Competitive Research  
23 (DEPSCoR) as part of the university research programs  
24 of the Department of Defense.

1       “(b) PROGRAM OBJECTIVES.—The objectives of the  
2 program are as follows:

3           “(1) To increase the number of university re-  
4 searchers in eligible States capable of performing  
5 science and engineering research responsive to the  
6 needs of the Department of Defense.

7           “(2) To enhance the capabilities of institutions  
8 of higher education in eligible States to develop,  
9 plan, and execute science and engineering research  
10 that is relevant to the mission of the Department of  
11 Defense and competitive under the peer-review sys-  
12 tems used for awarding Federal research assistance.

13           “(3) To increase the probability of long-term  
14 growth in the competitively awarded financial assist-  
15 ance that institutions of higher education in eligible  
16 States receive from the Federal Government for  
17 science and engineering research.

18       “(c) PROGRAM ACTIVITIES.—In order to achieve the  
19 program objectives, the following activities are authorized  
20 under the program:

21           “(1) Competitive award of grants for research  
22 and instrumentation to support such research.

23           “(2) Competitive award of financial assistance  
24 for graduate students.

1           “(3) To provide assistance to science and engi-  
2           neering researchers at institutions of higher edu-  
3           cation in eligible States through collaboration be-  
4           tween Department of Defense laboratories and such  
5           researchers.

6           “(4) Any other activities that are determined  
7           necessary to further the achievement of the objec-  
8           tives of the program.

9           “(d) ELIGIBLE STATES.—(1) The Under Secretary  
10          of Defense for Research and Engineering shall designate  
11          which States are eligible States for the purposes of this  
12          section.

13          “(2) The Under Secretary shall designate a State as  
14          an eligible State if, as determined by the Under Sec-  
15          retary—

16                 “(A) the average annual amount of all Depart-  
17                 ment of Defense obligations for science and engi-  
18                 neering research and development that were in effect  
19                 with institutions of higher education in the State for  
20                 the three fiscal years preceding the fiscal year for  
21                 which the designation is effective or for the last  
22                 three fiscal years for which statistics are available is  
23                 less than the amount determined by multiplying 60  
24                 percent times the amount equal to 1/50 of the total  
25                 average annual amount of all Department of De-

1 fense obligations for science and engineering re-  
2 search and development that were in effect with in-  
3 stitutions of higher education in the United States  
4 for such three preceding or last fiscal years, as the  
5 case may be; and

6 “(B) the State has demonstrated a commitment  
7 to developing research bases in the State and to im-  
8 proving science and engineering research and edu-  
9 cation programs in areas relevant to the mission of  
10 the Department of Defense at institutions of higher  
11 education in the State.

12 “(3) The Under Secretary shall not remove a des-  
13 ignation of a State under paragraph (2) because the State  
14 exceeds the funding levels specified under subparagraph  
15 (A) of such paragraph unless the State has exceeded such  
16 funding levels for at least two consecutive years.

17 “(e) COORDINATION WITH SIMILAR FEDERAL PRO-  
18 GRAMS.—(1) The Secretary may consult with the Director  
19 of the National Science Foundation and the Director of  
20 the Office of Science and Technology Policy in the plan-  
21 ning, development, and execution of the program and may  
22 coordinate the program with the Established Program to  
23 Stimulate Competitive Research conducted by the Na-  
24 tional Science Foundation and with similar programs

1 sponsored by other departments and agencies of the Fed-  
2 eral Government.

3 “(2) All solicitations under the Defense Established  
4 Program to Stimulate Competitive Research may be made  
5 to, and all awards may be made through, the State com-  
6 mittees established for purposes of the Established Pro-  
7 gram to Stimulate Competitive Research conducted by the  
8 National Science Foundation.

9 “(3) A State committee referred to in paragraph (2)  
10 shall ensure that activities carried out in the State of that  
11 committee under the Defense Established Program to  
12 Stimulate Competitive Research are relevant to the mis-  
13 sion of the Department of Defense and coordinated with  
14 the activities carried out in the State under other similar  
15 initiatives of the Federal Government to stimulate com-  
16 petitive research.

17 “(f) STATE DEFINED.—In this section, the term  
18 ‘State’ means a State of the United States, the District  
19 of Columbia, the Commonwealth of Puerto Rico, Guam,  
20 the Virgin Islands, American Samoa, and the Common-  
21 wealth of the Northern Mariana Islands.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 301 of such title, as added  
24 by section 1841 of the William M. (Mac) Thornberry Na-  
25 tional Defense Authorization Act for Fiscal Year 2021

1 (Public Law 116–283), is amended by inserting after the  
2 item relating to section 4009 the following new item:

“4011. Defense Established Program to Stimulate Competitive Research.”.

3 (c) CONFORMING REPEALS.—(1) Section 307 of title  
4 I of the 1997 Emergency Supplemental Appropriations  
5 Act for Recovery from Natural Disasters, and for Over-  
6 seas Peacekeeping Efforts, Including Those in Bosnia  
7 (Public Law 105–18; 10 U.S.C. 2358 note)

8 (2) Section 257 of title II of division A of the Na-  
9 tional Defense Authorization Act for Fiscal Year 1995  
10 (Public Law 103–337; 10 U.S.C. 2358 note)

11 (d) EFFECTIVE DATE.—This section and the amend-  
12 ments made by this section shall take effect immediately  
13 after title XVIII of the William M. (Mac) Thornberry Na-  
14 tional Defense Authorization Act for Fiscal Year 2021  
15 (Public Law 116–283) and the amendments made by such  
16 title take effect pursuant to section 1801(d)(1) of such  
17 Act.

18 **SEC. 234. TECHNICAL CORRECTION TO PILOT PROGRAM**  
19 **FOR ENHANCEMENT OF RESEARCH, DEVEL-**  
20 **OPMENT, TEST, AND EVALUATION CENTERS**  
21 **OF DEPARTMENT OF DEFENSE.**

22 Section 233(c)(2)(B) of the National Defense Au-  
23 thorization Act for Fiscal Year 2017 (Public Law 114–  
24 328; 10 U.S.C. 2358 note) is amended by striking “Chief

1 Management Officer” and inserting “Deputy Secretary of  
2 Defense or a designee of the Deputy Secretary”.

3 **Subtitle D—Plans, Reports, and**  
4 **Other Matters**

5 **SEC. 241. STUDY ON EFFICIENT USE OF DEPARTMENT OF**  
6 **DEFENSE TEST AND EVALUATION ORGANIZA-**  
7 **TIONS, FACILITIES, AND LABORATORIES.**

8 (a) STUDY REQUIRED.—

9 (1) IN GENERAL.—Not later than 90 days after  
10 the date of the enactment of this Act, the Secretary  
11 of Defense shall direct the Defense Science Board to  
12 carry out a study on the resources and capabilities  
13 of the Department of Defense test and evaluation  
14 (T&E) organizations, facilities, and laboratories.

15 (2) PARTICIPATION.—Participants in the study  
16 shall include the following:

17 (A) Such members of the Board as the  
18 Chairman of the Board considers appropriate  
19 for the study.

20 (B) Such additional temporary members or  
21 contracted support as the Secretary—

22 (i) selects from those recommended by  
23 the Chairman for purposes of the study;  
24 and

1                   (ii) considers to have significant tech-  
2                   nical, policy, or military expertise relevant  
3                   to defense test and evaluation missions.

4                   (3) ELEMENTS.—The study conducted pursu-  
5                   ant to paragraph (1) shall include the following:

6                   (A) Assessment of the effectiveness of cur-  
7                   rent developmental testing (DT), operational  
8                   testing (OT), and integrated testing (IT) within  
9                   the Department of Defense in meeting statu-  
10                  tory objectives and the test and evaluation re-  
11                  quirements of the Adaptive Acquisition Frame-  
12                  work.

13                  (B) Identification of industry and govern-  
14                  ment best practices for conducting develop-  
15                  mental testing, operational testing, and inte-  
16                  grated testing.

17                  (C) Potential applicability of industry and  
18                  government best practices for conducting devel-  
19                  opmental testing, operational testing, and inte-  
20                  grated testing within the Department to im-  
21                  prove test and evaluation outcomes.

22                  (D) Identification of duplication of efforts  
23                  and other non- or low-value added activities  
24                  that reduce speed and effectiveness of test and  
25                  evaluation activities.

1           (E) Assessment of test and evaluation  
2 oversight organizations within the Office of the  
3 Secretary of Defense, including their authori-  
4 ties, responsibilities, activities, resources, and  
5 effectiveness, including with respect to acquisi-  
6 tion programs of the military services and De-  
7 fense Agencies.

8           (F) Development and assessment of poten-  
9 tial courses of action to improve the effective-  
10 ness of oversight of developmental testing, oper-  
11 ational testing, and integrated testing activities,  
12 and test and evaluation resources within the Of-  
13 fice of the Secretary of Defense, including as  
14 one such course of action establishing a single  
15 integrated office with such responsibilities.

16           (G) Development of such recommendations  
17 as the Board may have for legislative changes,  
18 authorities, organizational realignments, and  
19 administrative actions to improve test and eval-  
20 uation oversight and capabilities, and facilitate  
21 better test and evaluation outcomes.

22           (H) Such other matters as the Secretary  
23 considers appropriate.

24           (4) ACCESS TO INFORMATION.—The Secretary  
25 shall provide the Board with timely access to appro-



1 analysis to determine whether modifications should be  
2 made in the Department of Defense grouping of un-  
3 manned aerial systems (UAS) into five broad categories.

4 (b) CONSIDERATIONS.—In assessing under sub-  
5 section (a) whether to make modifications to any of the  
6 five existing unmanned aerial systems groups, or expand  
7 the number of groups, the Under Secretary shall con-  
8 sider—

9 (1) constraints the current categorization places  
10 on the ability to achieve future capability to support  
11 current and emerging warfighting concepts;

12 (2) barriers arising from differences between  
13 the current categorization and the systems and tech-  
14 nologies available in the commercial marketplace;  
15 and

16 (3) effects of different category definitions on  
17 schedules for fielding of new unmanned aerial sys-  
18 tems technologies.

19 (c) CONSULTATION.—In carrying out subsection (a),  
20 the Under Secretary shall consult with—

21 (1) the Secretaries of the military departments;

22 (2) the Chairman of the Joint Chiefs of Staff;

23 and

24 (3) the Secretary of State.

1 (d) REPORT.—Not later than March 1, 2022, the  
2 Under Secretary shall submit to the congressional defense  
3 committees a report detailing the costs and benefits of po-  
4 tential modifications to the existing unmanned aerial sys-  
5 tems categorization analyzed pursuant to subsection (a),  
6 and a notional schedule for implementation modifications  
7 the Under Secretary would recommend based on the find-  
8 ings of the Under Secretary with respect to such analysis.

9 **SEC. 243. DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN**  
10 **AND WORKING GROUP.**

11 (a) PLAN REQUIRED.—Not later than one year after  
12 the date of the enactment of this Act, the Secretary of  
13 Defense shall, acting through the working group estab-  
14 lished under subsection (c)(1), develop a plan for the cre-  
15 ation of a modern digital development infrastructure that  
16 supports state of the art tools and modern processes to  
17 enable development, testing, fielding, and continuous up-  
18 date of artificial intelligence-powered applications at speed  
19 and scale from headquarters to the tactical edge.

20 (b) CONTENTS OF PLAN.—At a minimum, the plan  
21 required by subsection (a) shall include the following:

22 (1) An open architecture, an evolving reference  
23 design, and guidance for necessary technical invest-  
24 ments in the digital development infrastructure de-  
25 scribed in subsection (a) that address issues, includ-

1       ing issues relating to common interfaces, authentica-  
2       tion, applications, platforms, software, hardware,  
3       and data infrastructure.

4               (2) A governance structure, together with asso-  
5       ciated policies and guidance, to drive the implemen-  
6       tation of the reference design required by paragraph  
7       (1) throughout the Department on a federated basis.

8               (3) Identification and minimum viable  
9       instantiations of prototypical development and plat-  
10      form environments with the digital development in-  
11      frastructure, including enterprise data sets assem-  
12      bled under subsection (d).

13      (c) WORKING GROUP.—

14              (1) ESTABLISHMENT.—Not later than 60 days  
15      after the date of the enactment of this Act, the Sec-  
16      retary shall establish a working group on digital de-  
17      velopment infrastructure implementation to accel-  
18      erate efforts aligned with the plan required by sub-  
19      section (a).

20              (2) MEMBERSHIP.—The working group estab-  
21      lished under paragraph (1) shall be composed of in-  
22      dividuals selected by the Secretary to represent each  
23      of the following:

24                      (A) The Office of Chief Data Officer  
25                      (CDO).

1 (B) The Component Offices of Chief Infor-  
2 mation Officer and Chief Digital Officer.

3 (C) The Joint Artificial Intelligence Center  
4 (JAIC).

5 (D) The Office of the Under Secretary of  
6 Defense for Research & Engineering (OUSD  
7 (R&E)).

8 (E) The Office of the Under Secretary of  
9 Defense for Acquisition & Sustainment (OUSD  
10 (A&S)).

11 (F) The Office of the Under Secretary of  
12 Defense for Intelligence & Security (OUSD  
13 (I&S)).

14 (G) Service Acquisition Executives.

15 (H) The Office of the Director of Oper-  
16 ational Test and Evaluation (DOT&E).

17 (I) The office of the Director of the De-  
18 fense Advanced Research Projects Agency  
19 (DARPA).

20 (J) Digital development infrastructure pro-  
21 grams, including the appropriate activities of  
22 the military services and defense agencies.

23 (K) Such other officials of the Department  
24 of Defense as the Chief Information Officer of

1           the Department of Defense determines appro-  
2           priate.

3           (3) CHAIRPERSON.—The chairperson of the  
4           working group established under paragraph (1) shall  
5           be the Chief Information Officer of the Department,  
6           or such other official as the Secretary of Defense  
7           considers appropriate.

8           (4) CONSULTATION.—The working group shall  
9           consult with such experts outside of the Department  
10          as the working group considers necessary.

11          (5) RESPONSIBILITIES.—The working group es-  
12          tablished under paragraph (1) shall be develop the  
13          plan required by subsection (a).

14          (d) STRATEGIC DATA NODE.—

15           (1) IN GENERAL.—In addition to other duties  
16           pursuant to his or her role in the working group out-  
17           lined in paragraph (c), the Secretary of Defense  
18           shall assemble enterprise data sets in the following  
19           areas:

20                   (A) Human resources.

21                   (B) Budget and finance.

22                   (C) Acquisition.

23                   (D) Logistics.

24                   (E) Real estate.

25                   (F) Health care.

1                   (G) Such other areas as the Secretary con-  
2                   siders appropriate.

3                   (2) REQUIREMENT.—The Secretary shall as-  
4                   semble the enterprise data sets required by para-  
5                   graph (1) as a linked, cloud-based data repository  
6                   adherent to data service interfaces defined in the  
7                   open architecture required under subsection (b)(1).

8                   (3) SUPPORT.—In carrying out this subsection,  
9                   the Secretary shall support the use of artificial intel-  
10                  ligence-enabled applications for social science anal-  
11                  ysis, business analytics, and senior leader decision  
12                  support.

13                  (e) REPORT.—Not later than 180 days after the date  
14 of the enactment of this Act, the Secretary shall submit  
15 to the congressional defense committees a report on—

16                  (1) the status of the plan required by sub-  
17                  section (a); and

18                  (2) the progress in carrying out subsection (d).

19                  (f) DEFINITIONS.—In this section:

20                  (1) The term “digital development infrastruc-  
21                  ture” means a federated, enterprise technology in-  
22                  frastructure that enables the following:

23                          (A) Access to commercial cloud tech-  
24                          nologies and services for scalable computing.

1 (B) Sharing of data, software, and capa-  
2 bilities through well-documented and hardened  
3 application programming interfaces with proper  
4 access controls.

5 (C) Giving all Department of Defense de-  
6 velopers, scientists, and other appropriate per-  
7 sonnel access and resources they need to drive  
8 new digital capabilities.

9 (2) The term “digital development infrastruc-  
10 ture programs” means the collection of managed  
11 services for platforms, cloud infrastructure, and soft-  
12 ware development that have developed across the  
13 Department.

14 **SEC. 244. OPTIONALLY MANNED FIGHTING VEHICLE RE-**  
15 **QUIREMENTS ANALYSIS.**

16 (a) REPORT REQUIRED.—

17 (1) IN GENERAL.—The Secretary of the Army  
18 shall submit to the congressional defense committees  
19 a report of analysis supporting the determination of  
20 requirements or characteristics for the Optionally  
21 Manned Fighting Vehicle (OMFV) refined through  
22 the concept designs and detailed designs phases of  
23 the acquisition strategy.

24 (2) ELEMENTS REQUIRED.—The report re-  
25 quired by paragraph (1) shall include the following:

1 (A) A detailed description of the Optionally  
2 Manned Fighting Vehicle requirements or char-  
3 acteristics to be utilized for the physical proto-  
4 typing phase of the program.

5 (B) A description of the analysis conducted  
6 to finalize the requirements or characteristics to  
7 be utilized for physical prototyping of the Op-  
8 tionally Manned Fighting Vehicle.

9 (C) A description of Optionally Manned  
10 Fighting Vehicle-equipped organizational de-  
11 signs analyzed through the concept design or  
12 detailed design phases.

13 (D) A detailed description of the analysis  
14 conducted, trade-offs considered, and conclu-  
15 sions drawn with respect to the organizational  
16 design, survivability, mobility, payload, and  
17 combat effectiveness in execution of the critical  
18 operational tasks required of fighting-vehicle-  
19 equipped infantry within an armor brigade com-  
20 bat teams.

21 (E) A comparison of the combat effective-  
22 ness and survivability of Optionally Manned  
23 Fighting Vehicle-equipped and Bradley Fight-  
24 ing Vehicle-equipped formations.

1 (b) BRIEFING REQUIRED.—The Secretary of the  
2 Army shall provide a briefing to the congressional defense  
3 committees on the elements of the report required under  
4 subsection (a) 30 days prior to its submission to the con-  
5 gressional defense committees.

6 (c) LIMITATION.—The Secretary of the Army shall  
7 not enter into contract for the development of physical  
8 prototypes of the Optionally Manned Fighting Vehicle or  
9 otherwise named next-generation infantry fighting vehicle  
10 until 30 days after the Secretary submits to the congres-  
11 sional defense committees the report required under sub-  
12 section (a).

13 **SEC. 245. MAKING PERMANENT REQUIREMENT FOR AN-**  
14 **NUAL REPORT BY DIRECTOR OF OPER-**  
15 **ATIONAL TEST AND EVALUATION.**

16 Section 139(h)(2) of title 10, United States Code, is  
17 amended by striking “, through January 31, 2026”.

18 **TITLE III—OPERATION AND**  
19 **MAINTENANCE**  
20 **Subtitle A—Authorization of**  
21 **Appropriations**

22 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2022 for the use of the Armed Forces and other  
25 activities and agencies of the Department of Defense for

1 expenses, not otherwise provided for, for operation and  
2 maintenance, as specified in the funding table in section  
3 4301.

## 4 **Subtitle B—Energy and** 5 **Environment**

### 6 **SEC. 311. EXPANSION OF PURPOSES OF SENTINEL LAND-** 7 **SCAPES PARTNERSHIP PROGRAM TO IN-** 8 **CLUDE RESILIENCE.**

9 (a) IN GENERAL.—Section 317 of the National De-  
10 fense Authorization Act for Fiscal Year 2018 (Public Law  
11 115–91; 10 U.S.C. 2684a note) is amended—

12 (1) in subsection (a), in the first sentence, by  
13 inserting “and restore” after “to preserve”;

14 (2) in subsection (c)—

15 (A) by striking “The Secretaries” and in-  
16 serting the following:

17 “(1) IN GENERAL.—The Secretaries”;

18 (B) in paragraph (1), as designated by  
19 subparagraph (A)—

20 (i) by inserting “resilience,” after  
21 “benefit of conservation,”; and

22 (ii) by inserting “, resilience,” after  
23 “land management”; and

24 (C) by adding at the end the following new  
25 paragraph:

1           “(2) INCLUSION OF INFORMATION IN RE-  
2           PORT.—The Secretary of Defense shall include infor-  
3           mation concerning the activities undertaken pursu-  
4           ant to the Sentinel Landscapes Partnership in the  
5           annual report to Congress submitted under section  
6           2684a(g) of title 10, United States Code.”;

7           (3) in subsection (d), in the second sentence, by  
8           inserting “by an eligible landowner or agricultural  
9           producer” after “Participation”;

10          (4) by redesignating subsection (e) as sub-  
11          section (f);

12          (5) by inserting after subsection (d) the fol-  
13          lowing new subsection (e):

14          “(e) PARTICIPATION BY OTHER AGENCIES.—Other  
15          Federal agencies with programs addressing conservation  
16          or resilience may, and are encouraged to—

17                 “(1) participate in the activities of the Sentinel  
18                 Landscape Partnership; and

19                 “(2) become full partners in the Sentinel Land-  
20                 scape Partnership.”; and

21          (6) in subsection (f), as redesignated by para-  
22          graph (4), by adding at the end the following new  
23          paragraph:

24                 “(4) RESILIENCE.—The term ‘resilience’ means  
25                 the capability to avoid, prepare for, minimize the ef-



1 (bb) by redesignating clause  
2 (ii) as subclause (II) and moving  
3 such subclause, as so redesign-  
4 ated, two ems to the right; and  
5 (cc) in subclause (II), as re-  
6 designated by item (bb), by strik-  
7 ing the period at the end and in-  
8 serting “; or”; and

9 (II) by adding at the end the fol-  
10 lowing new clause (ii):

11 “(ii) for one or more ecosystems within a  
12 sentinel landscape.”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(e) SENTINEL LANDSCAPE DEFINED.—In this sec-  
16 tion, the term ‘sentinel landscape’ has the meaning given  
17 that term in section 317(e) of the National Defense Au-  
18 thorization Act for Fiscal Year 2018 (Public Law 115–  
19 91; 10 U.S.C. 2684a note).”.

20 **SEC. 312. MAINTENANCE OF CURRENT ANALYTICAL TOOLS**  
21 **IN EVALUATING ENERGY RESILIENCE MEAS-**  
22 **URES.**

23 (a) IN GENERAL.—Section 2911 of title 10, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new subsection:

1           “(i) ASSESSMENT OF LIFE-CYCLE COSTS AND PER-  
2 FORMANCE OF POTENTIAL ENERGY RESILIENCE  
3 PROJECTS.—(1) Subject to the availability of appropria-  
4 tions, the Secretary of Defense shall develop and institute  
5 a process to ensure that the Department of Defense, when  
6 evaluating energy resilience measures, uses analytical tools  
7 that are accurate and effective in projecting the costs and  
8 performance of such measures.

9           “(2) Analytical tools used under paragraph (1) shall  
10 be—

11                   “(A) designed to—

12                           “(i) provide an accurate projection of the  
13 costs and performance of the energy resilience  
14 measure being analyzed;

15                           “(ii) be used without specialized training;  
16 and

17                           “(iii) produce resulting data that is under-  
18 standable and usable by the typical source se-  
19 lection official;

20                   “(B) consistent with standards and analytical  
21 tools commonly applied by the Department of En-  
22 ergy and by commercial industry;

23                   “(C) adaptable to accommodate a rapidly  
24 changing technological environment;



1 (b) MODIFICATION OF CLEARINGHOUSE REQUIRE-  
2 MENTS.—Section 183a(c) of title 10, United States Code,  
3 is amended—

4 (1) in paragraph (2), by adding at the end the  
5 following new subparagraph:

6 “(C) A notice of presumed risk issued under subpara-  
7 graph (A) is a preliminary assessment only and does not  
8 represent a formal objection pursuant to subsection (e).  
9 Discussions of possible mitigation actions under such sub-  
10 paragraph could favorably resolve any concerns identified  
11 in the notice of presumed risk.”; and

12 (2) by adding at the end the following new  
13 paragraph:

14 “(8) If, in reviewing an application for an energy  
15 project pursuant to paragraph (1), the Clearinghouse  
16 finds no obstruction, interference, or adverse impact under  
17 section 44718(b)(1) of title 49, the Clearinghouse shall  
18 communicate to the Secretary of Transportation in writ-  
19 ing, not later than five business days after making such  
20 finding, the following: ‘No Part 77 concerns, national se-  
21 curity review ongoing.’”.

1 **SEC. 314. EXEMPTION FROM PROHIBITION ON USE OF**  
2 **OPEN-AIR BURN PITS IN CONTINGENCY OP-**  
3 **ERATIONS OUTSIDE THE UNITED STATES.**

4 Section 317(a) of the National Defense Authorization  
5 Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C.  
6 2701 note) is amended by adding at the end the following  
7 new paragraph:

8 “(3) EXEMPTION.—

9 “(A) IN GENERAL.—The Secretary of De-  
10 fense may exempt a location from the prohibi-  
11 tion under paragraph (1) if the Secretary deter-  
12 mines it is in the paramount interest of the  
13 United States to do so.

14 “(B) NONDELEGATION.—The Secretary  
15 may not delegate the authority under subpara-  
16 graph (A).”.

17 **SEC. 315. DEMONSTRATION PROGRAM ON DOMESTIC PRO-**  
18 **DUCTION OF RARE EARTH ELEMENTS FROM**  
19 **COAL BYPRODUCTS.**

20 (a) DEMONSTRATION PROGRAM REQUIRED.—Not  
21 later than 120 days after the date of the enactment of  
22 this Act, the Secretary of Defense shall commence car-  
23 rying out a demonstration program on recovering rare  
24 earth elements and critical minerals from acid mine drain-  
25 age and other coal byproducts.

1           (b) PARTNERSHIP.—The Secretary shall carry out  
2 the demonstration program required by subsection (b) by  
3 entering into a partnership with one or more institutions  
4 of higher education that can demonstrate techniques for  
5 recovering rare earth elements and critical minerals from  
6 acid mine drainage and other coal byproducts, as the Sec-  
7 retary considers applicable.

8           (c) ELEMENTS.—The demonstration program re-  
9 quired by subsection (a) shall address the following:

10           (1) The efficacy of separating rare earth ele-  
11 ments and critical minerals from acid mine drainage.

12           (2) The feasibility of bringing this technology to  
13 commercialized scale.

14           (3) Domestic locations that are appropriate for  
15 the deployment of this technology.

16           (4) The ability of this technology to meet the  
17 requirements of the defense industrial base to sup-  
18 plement the rare earth element and critical mineral  
19 needs of the Department of Defense.

20           (d) DURATION.—The demonstration program estab-  
21 lished under subsection (a) shall be carried out during the  
22 one-year period beginning on the date of the commence-  
23 ment of the demonstration program.

1           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out the demonstra-  
3 tion program required by subsection (a) \$3,000,000.

4           (f) BRIEFING.—Not later than 120 days after the  
5 completion of the demonstration program required by sub-  
6 section (a), the Secretary and the program manager of  
7 the institute of higher education with whom the Secretary  
8 partners under subsection (b) shall brief the Committee  
9 on Armed Services of the Senate and the Committee on  
10 Armed Services of the House of Representatives on the  
11 elements of the demonstration program set forth under  
12 subsection (c).

13 **SEC. 316. AUTHORITY TO TRANSFER AMOUNTS DERIVED**  
14 **FROM ENERGY COST SAVINGS.**

15           Section 2912 of title 10, United States Code, is  
16 amended by adding at the end the following new sub-  
17 section:

18           “(e) TRANSFER OF AMOUNTS.—(1) The Secretary of  
19 Defense may transfer amounts described in subsection (a)  
20 that remain available for obligation to other funding ac-  
21 counts of the Department of Defense if the purpose for  
22 which such amounts will be used is a purpose specified  
23 in subsection (b) or (c).

1 “(2) Amounts transferred to a funding account of the  
2 Department under paragraph (1) shall be available for ob-  
3 ligation for the same period as amounts in that account.”.

4 **SEC. 317. SENSE OF SENATE ON ENERGY INDEPENDENCE**  
5 **AND DIVERSIFICATION.**

6 It is the sense of the Senate that the United States  
7 should—

8 (1) remain energy independent to enhance na-  
9 tional security; and

10 (2) adopt an all-of-the-above energy strategy to  
11 diversify and mitigate the risk of becoming energy  
12 and materially dependent on vulnerable sources of  
13 energy and energy technology that may constrain  
14 the operations of the Armed Forces of the United  
15 States.

16 **Subtitle C—National Security**  
17 **Climate Resilience**

18 **SEC. 331. SHORT TITLE.**

19 This subtitle may be cited as the “National Security  
20 Climate Resilience Act”.

21 **SEC. 332. DEFINITIONS.**

22 In this subtitle:

23 (1) **CLIMATE RESILIENCE.**— The term “climate  
24 resilience” has the meaning given the term “energy

1 and climate resiliency” in section 2864(f)(3) of title  
2 10, United States Code.

3 (2) CLIMATE SECURITY.—The term “climate  
4 security” means the effects of extreme weather on  
5 the following:

6 (A) The national security of the United  
7 States, including national security infrastruc-  
8 ture.

9 (B) Subnational, national, and regional po-  
10 litical stability.

11 (C) The security of allies and partners of  
12 the United States.

13 (D) Ongoing or potential political violence,  
14 including unrest, rioting, guerrilla warfare, in-  
15 surgency, terrorism, rebellion, revolution, civil  
16 war, and interstate war.

17 (3) EXTREME WEATHER.—The term “extreme  
18 weather” means recurrent flooding, drought,  
19 desertification, wildfires, thawing permafrost, or any  
20 other weather-related events that present a recurring  
21 annual threat to facilities and other infrastructure of  
22 the Department of Defense or are likely to recur  
23 over a period of five to eight years.

1 **SEC. 333. CLIMATE RESILIENCE IN PLANNING, ENGAGE-**  
2 **MENT STRATEGIES, INFRASTRUCTURE, AND**  
3 **FORCE DEVELOPMENT OF DEPARTMENT OF**  
4 **DEFENSE.**

5 (a) CLIMATE CHALLENGES AND CLIMATE RESIL-  
6 IENCE IN KEY PROCESSES OF DEPARTMENT OF DE-  
7 FENSE.—The Secretary of Defense shall direct that the  
8 acquisition, budget planning and execution, infrastructure  
9 planning and sustainment, force development, engagement  
10 strategy development, security assistance, and other core  
11 processes of the Department of Defense fully consider and  
12 make needed adjustments to account for current and  
13 emerging climate and environmental challenges and to en-  
14 sure the climate resilience of assets and capabilities of the  
15 Department.

16 (b) CLIMATE RESILIENCE MISSION IMPACT ASSESS-  
17 MENT.—

18 (1) IN GENERAL.—The Secretary shall conduct  
19 a mission impact assessment on climate resilience  
20 for the Department in order to identify and assess  
21 the full spectrum of climate risks that currently or  
22 could impact the mission of the Department and the  
23 degree to which the Department is resilient to such  
24 risks.

25 (2) ELEMENTS.—The assessment conducted  
26 under paragraph (1) shall include the following:

1           (A) An assessment of the impact of the  
2 latest climate science scenarios, as indicated in  
3 the National Climate Assessment, on readiness,  
4 training, testing, and operations for near-term  
5 operations and long-term, worst-case scenario  
6 climate projections for the Department.

7           (B) A comprehensive review, conducted  
8 pursuant to section 153 of title 10, United  
9 States Code, by the Chairman of the Joint  
10 Chiefs of Staff (in coordination with the Secre-  
11 taries of the military departments and the  
12 heads of the Defense Agencies), to determine—

13                 (i) security risks posed by extreme  
14 weather to operational and theater security  
15 plans and engagement with allies and part-  
16 ners of the United States; and

17                 (ii) the extent to which the program  
18 recommendations and budget proposals of  
19 the military departments and other compo-  
20 nents of the Department for each fiscal  
21 year fully account for the impacts of ex-  
22 treme weather and climate resilience re-  
23 quirements.

24           (C) An assessment of the direct impacts of  
25 extreme weather on the deployment and oper-

1           ations of the Armed Forces, and the manner in  
2           which extreme weather will impact the require-  
3           ments of the commanders of the combatant  
4           commands in their areas of responsibility, in-  
5           cluding—

6                   (i) assessment of the evolving posture  
7                   of peer competitors and impacts to deploy-  
8                   ment and operations of peer competitors  
9                   due to extreme weather;

10                   (ii) assessment of the impacts of ex-  
11                   panding requirements for humanitarian as-  
12                   sistance and disaster response due to ex-  
13                   treme weather;

14                   (iii) assessment of the impacts on the  
15                   political, military, and social stability of  
16                   countries and regions of national security  
17                   concern that lack suitable infrastructure  
18                   and resources or, due to geographic loca-  
19                   tion, may not successfully adapt to extreme  
20                   weather and may suffer disproportionately  
21                   compared to other countries and regions of  
22                   national security concern;

23                   (iv) assessment of risks to home sta-  
24                   tion strategic and operational support area  
25                   readiness, including the strategic highway

1 network, the strategic rail network, and  
2 strategic air and sea ports;

3 (v) identification of the current cli-  
4 mate resilience status, plans, goals, and  
5 objectives of military installations and  
6 State-owned National Guard installations  
7 in light of current and projected  
8 vulnerabilities of such installations to the  
9 impacts of extreme weather; and

10 (vi) development of measures to im-  
11 prove the preparedness and resilience of  
12 military installations and State-owned Na-  
13 tional Guard installations to extreme  
14 weather, while simultaneously developing  
15 standards for data collection to assist deci-  
16 sion-making processes for research, devel-  
17 opment, and acquisition priorities for in-  
18 stallation and infrastructure resilience to  
19 extreme weather.

20 (D) A long-term strategic plan, including  
21 war games and exercises, centered on climate-  
22 driven crises, and a long-term assessment of cli-  
23 mate security by the Office of Net Assessment  
24 of the Department.

1                   (E) A review outlining near-term and long-  
2                   term needs for research, development, and de-  
3                   ployment for equipment and other measures re-  
4                   quired to assure the resilience of the assets and  
5                   capabilities of the Department and each compo-  
6                   nent thereof, and of key elements of the defense  
7                   industrial base and supporting transportation  
8                   networks, to the impacts of extreme weather.

9                   (c) REPORTS.—

10                   (1) IN GENERAL.—Not later than one year  
11                   after the date of the enactment of this Act, and  
12                   every five years thereafter, the Chairman of the  
13                   Joint Chiefs of Staff shall submit to the Committees  
14                   on Armed Services of the Senate and the House of  
15                   Representatives a report on the broader strategic  
16                   and operational impacts of extreme weather on the  
17                   Department, measures to address such impacts, and  
18                   progress in implementing new technologies and plat-  
19                   forms, training and education methods, and data  
20                   collection and dissemination for each military de-  
21                   partment to meet its mission requirements.

22                   (2) RESEARCH, DEVELOPMENT, AND DEPLOY-  
23                   MENT NEEDS.—Each report required by paragraph  
24                   (1) shall identify research, development, and deploy-

1           ment needs for each combatant command and func-  
2           tional command.

3   **SEC. 334. CLIMATE RESILIENCE INFRASTRUCTURE INITIA-**  
4                                   **TIVE OF THE DEPARTMENT OF DEFENSE.**

5           (a) DESIGNATION.—The programs, practices, and ac-  
6           tivities carried out pursuant to this section shall be known  
7           collectively as the “Climate Resilience Infrastructure Ini-  
8           tiative of the Department of Defense”.

9           (b) CONFORMANCE OF FACILITIES AND INFRASTRUC-  
10          TURE TO CLIMATE RESILIENCE REQUIREMENTS.—

11           (1) IN GENERAL.—The Secretary of Defense, in  
12          coordination with the Secretaries of the military de-  
13          partments, the Chief of the National Guard Bureau,  
14          the Director of the Defense Advanced Research  
15          Projects Agency, the directors of other Defense  
16          Agencies, and the head of the Strategic Environ-  
17          mental Research and Development Program, shall  
18          ensure that all facilities and infrastructure of the  
19          Department of Defense meet applicable standards  
20          and requirements of the Unified Facilities Criteria  
21          of the Department on climate resilience.

22           (2) STANDARDS AND REQUIREMENTS.—The  
23          Secretary shall provide for the ongoing review and  
24          update of the standards and requirements referred  
25          to in paragraph (1) to ensure that such standards

1 and requirements incorporate lessons learned on the  
2 potential impacts of extreme weather on the facilities  
3 and infrastructure of the Department.

4 (c) BUILDING CODES AND STANDARDS.—In carrying  
5 out subsection (b), the Secretary shall ensure that the  
6 building codes and standards applicable to structures of  
7 the Department are updated on an ongoing basis to incor-  
8 porate best practices on climate resilience in the specific  
9 regions in which the structures concerned are located, in-  
10 cluding with respect to worst case scenarios in connection  
11 with the impacts of extreme weather.

12 (d) HARDENING AND QUICK RECOVERY.—In car-  
13 rying out subsection (b), the Secretary shall ensure that  
14 the Department develops requirements for backup utili-  
15 ties, communications, and transportation to ensure that  
16 the critical infrastructure of Department facilities is hard-  
17 ened, developed, and constructed for recovering quickly  
18 from natural disasters and the impacts of extreme weath-  
19 er.

20 (e) SUSTAINMENT AND MODERNIZATION.—In car-  
21 rying out subsection (b) the Secretary shall develop  
22 sustainment and modernization requirements for facilities  
23 of the Department in connection with climate resilience.

24 (f) COLLABORATION IN PLANNING WITH LOCAL  
25 COMMUNITIES.—The Secretary shall develop, within exist-

1 ing frameworks for collaborative activities between mili-  
2 tary installations and State and local communities, and  
3 in addition to the requirements of section 2864(c) of title  
4 10, United States Code, a framework that permits and  
5 directs installation commanders to engage with State, re-  
6 gional, and local agencies, and with local communities, on  
7 planning for climate resilience in order to enhance efficient  
8 response to impacts of extreme weather and to secure col-  
9 laborative investment in infrastructure that is resilient to  
10 the current and projected impacts of extreme weather.

11 (g) TESTING AND TRAINING RANGE LANDS.—

12 (1) PRACTICES FOR SUSTAINMENT OF  
13 LANDS.—The Secretary shall develop and implement  
14 practices to sustain the lands of the military testing  
15 and training ranges of the Department, and the  
16 lands of testing and training ranges on State-owned  
17 National Guard installations, through the adaptation  
18 and resilience of such lands to the current and pro-  
19 jected impacts of extreme weather to ensure the on-  
20 going availability of such lands to military personnel,  
21 weapon systems, and equipment for testing and  
22 training purposes.

23 (2) TRAINING AND EDUCATION ON  
24 SUSTAINMENT OF LANDS.—The Secretary shall de-  
25 velop a program of training and education for reg-

1 ular and reserve members of the Armed Forces (in-  
2 cluding members of the National Guard) on the im-  
3 portance of the sustainment of the lands of the mili-  
4 tary testing and training ranges as described in  
5 paragraph (1).

6 (3) INVESTMENT IN RESILIENCE OF LANDS.—  
7 The Secretary shall provide for appropriate invest-  
8 ments in the lands of the military testing and train-  
9 ing ranges in order to increase the resilience and ad-  
10 aptation of such lands to the current and projected  
11 impacts of extreme weather for testing and training  
12 purposes in connection with current and projected  
13 testing and training requirements in the short-term  
14 and the long-term.

15 (h) USE OF EMISSION-FREE TECHNOLOGIES.—The  
16 Secretary shall take appropriate actions to increase the  
17 use of emission-free and net-zero-emission energy tech-  
18 nologies in the operations, programs, projects, and activi-  
19 ties of the Department.

20 **SEC. 335. ASSESSMENT OF CLIMATE RISKS TO INFRA-**  
21 **STRUCTURE OF DEPARTMENT OF DEFENSE.**

22 (a) IN GENERAL.—The Secretary of Defense shall di-  
23 rect the Secretary of each military department—

24 (1) to assess the vulnerability of installations  
25 and other facilities under the jurisdiction of such

1 Secretary, and of State-owned National Guard in-  
2 stallations, to the current and projected impacts of  
3 extreme weather, using vulnerability and risk assess-  
4 ment tools chosen or developed pursuant to section  
5 326 of the National Defense Authorization Act for  
6 Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
7 1310);

8 (2) to assess the infrastructure required for  
9 successful operation of such installations and facili-  
10 ties in response to any such vulnerabilities, and to  
11 assure military installation resilience of such instal-  
12 lations and facilities; and

13 (3) to develop installation-specific plans pursu-  
14 ant to section 2864(c) of title 10, United States  
15 Code, and similar plans for State-owned National  
16 Guard installations, to address such vulnerabilities.

17 (b) RANKING OF FACILITIES.—In carrying out sub-  
18 section (a), the Secretary of each military department  
19 shall rank the needs of the military installations and other  
20 facilities under the jurisdiction of such Secretary, and of  
21 State-owned National Guard installations, based on level  
22 of risks posed by the current and projected impacts of ex-  
23 treme weather, the likelihood of such risks, and the impor-  
24 tance of such installations and facilities in maintaining  
25 overall readiness and operational capability.

1 (c) MILITARY INSTALLATION RESILIENCE DE-  
2 FINED.—In this section, the term “military installation re-  
3 silience” has the meaning given that term in section  
4 101(e)(8) of title 10, United States Code.

5 **Subtitle D—Treatment of**  
6 **Perfluoroalkyl Substances and**  
7 **Polyfluoroalkyl Substances**

8 **SEC. 351. TREATMENT BY DEPARTMENT OF DEFENSE OF**  
9 **PERFLUOROALKYL SUBSTANCES AND**  
10 **POLYFLUOROALKYL SUBSTANCES.**

11 (a) IN GENERAL.—Chapter 160 of title 10, United  
12 States Code, is amended—

13 (1) by inserting before section 2700 the fol-  
14 lowing:

15 **“Subchapter I—Environmental Restoration”;**

16 (2) in section 2700, in the matter preceding  
17 paragraph (1), by striking “this chapter” and insert-  
18 ing “this subchapter”;

19 (3) in section 2701(e)(1), in the matter pre-  
20 ceding subparagraph (A), by striking “this chapter”  
21 and inserting “this subchapter”;

22 (4) in section 2703—

23 (A) in subsection (c)(1), by striking “this  
24 chapter” and inserting “this subchapter”; and

1 (B) in subsection (d), by striking “this  
2 chapter” and inserting “this subchapter”;

3 (5) in section 2707—

4 (A) in subsection (a), by striking “this  
5 chapter” and inserting “this subchapter”; and

6 (B) in subsection (e), by striking “this  
7 chapter” and inserting “this subchapter”; and

8 (6) by adding at the end the following new sub-  
9 chapter:

10 **“Subchapter II—Treatment of Perfluoroalkyl  
11 Substances and Polyfluoroalkyl Substances**

12 **“§ 2713. Definitions**

13 “In this subchapter:

14 “(1) The term ‘military installation’ has the  
15 meaning given such term in section 2801(c)(4) of  
16 this title.

17 “(2) The term ‘perfluoroalkyl substance’ means  
18 a man-made chemical of which all of the carbon  
19 atoms are fully fluorinated carbon atoms.

20 “(3) The term ‘polyfluoroalkyl substance’  
21 means a man-made chemical containing a mix of  
22 fully fluorinated carbon atoms, partially fluorinated  
23 carbon atoms, and nonfluorinated carbon atoms.

1 **“§ 2714. Perfluoroalkyl substances and**  
2 **polyfluoroalkyl substances task force**

3 “(a) IN GENERAL.—The Secretary of Defense shall  
4 establish a task force to address the effects of the release  
5 of perfluoroalkyl substances and polyfluoroalkyl sub-  
6 stances from activities of the Department of Defense (in  
7 this section referred to as the ‘PFAS Task Force’).

8 “(b) MEMBERSHIP.—The members of the PFAS  
9 Task Force are the following:

10 “(1) The Assistant Secretary of Defense for  
11 Energy, Installations, and Environment.

12 “(2) The Assistant Secretary of the Army for  
13 Installations, Energy, and Environment.

14 “(3) The Assistant Secretary of the Navy for  
15 Energy, Installations, and Environment.

16 “(4) The Assistant Secretary of the Air Force  
17 for Installations, Environment, and Energy.

18 “(5) The Assistant Secretary of Defense for  
19 Health Affairs.

20 “(c) CHAIRMAN.—The Assistant Secretary of De-  
21 fense for Energy, Installations, and Environment shall be  
22 the chairman of the PFAS Task Force.

23 “(d) SUPPORT.—The Under Secretary of Defense for  
24 Personnel and Readiness and such other individuals as the  
25 Secretary of Defense considers appropriate shall support  
26 the activities of the PFAS Task Force.

1       “(e) DUTIES.—The duties of the PFAS Task Force  
2 are the following:

3           “(1) Monitor the health aspects of exposure to  
4 perfluoroalkyl substances and polyfluoroalkyl sub-  
5 stances, as found by the Secretary of Health and  
6 Human Services.

7           “(2) Finding and funding the procurement of  
8 an effective substitute firefighting foam without  
9 perfluoroalkyl substances or polyfluoroalkyl sub-  
10 stances.

11           “(3) Coordination within the Department of  
12 Defense with respect to mitigating the effects of the  
13 release of perfluoroalkyl substances and  
14 polyfluoroalkyl substances.

15           “(4) Assessment of the perceptions by Congress  
16 and the public of the efforts of the Department of  
17 Defense with respect to mitigating the effects of the  
18 release of perfluoroalkyl substances and  
19 polyfluoroalkyl substances from activities of the De-  
20 partment.

21       “(f) REPORT.—Not later than 90 days after the date  
22 of the enactment of the National Defense Authorization  
23 Act for Fiscal Year 2022, and quarterly thereafter, the  
24 Chairman of the PFAS Task Force shall submit to Con-  
25 gress a report on the activities of the task force.

1 **“§ 2715. Testing for perfluoroalkyl substances and**  
2 **polyfluoroalkyl substances at military in-**  
3 **stallations and facilities of the National**  
4 **Guard**

5 “(a) IN GENERAL.—Not later than two years after  
6 the date of the enactment of the National Defense Author-  
7 ization Act for Fiscal Year 2022, the Secretary of Defense  
8 shall complete preliminary assessment and site inspection  
9 testing for perfluoroalkyl substances and polyfluoroalkyl  
10 substances at all military installations and facilities of the  
11 National Guard located in the United States that are iden-  
12 tified as of March 31, 2021, as having a release of  
13 perfluoroalkyl substances or polyfluoroalkyl substances.

14 “(b) DETERMINATION OF CONTAMINATION.—Testing  
15 conducted under subsection (a) at a military installation  
16 or facility of the National Guard shall determine—

17 “(1) whether the installation or facility has con-  
18 tamination from a perfluoroalkyl substance or  
19 polyfluoroalkyl substance; and

20 “(2) whether activities in connection with such  
21 installation or facility have caused contamination  
22 from a perfluoroalkyl substance or polyfluoroalkyl  
23 substance outside of such installation or facility.

24 “(c) ADDITIONAL RESPONSE ACTIONS.—Testing  
25 conducted under subsection (a) shall provide at least a  
26 preliminary basis for determining whether additional envi-

1 ronmental response actions are necessary to address con-  
2 tamination from a perfluoroalkyl substance or  
3 polyfluoroalkyl substance.

4 “(d) TYPE OF TESTING.—When testing for  
5 perfluoroalkyl substances or polyfluoroalkyl substances  
6 under subsection (a) or any other provision of law, the  
7 Secretary shall use a method to measure for all  
8 perfluoroalkyl substances or polyfluoroalkyl substances in  
9 drinking water that has been validated by the Adminis-  
10 trator of the Environmental Protection Agency.

11 “(e) REPORT.—(1) For each of fiscal years 2022  
12 through 2024, the Secretary shall submit to Congress a  
13 report on the status of the testing conducted under sub-  
14 section (a) during such year.

15 “(2) Each report submitted under paragraph (1)  
16 shall identify, with respect to testing conducted under sub-  
17 section (a)—

18 “(A) each installation or facility where testing  
19 has been completed;

20 “(B) each installation or facility where testing  
21 has not yet been completed;

22 “(C) the projected completion date for testing  
23 at installations or facilities where testing has not yet  
24 been completed;

1           “(D) the results of testing at installations or fa-  
2           cilities where testing has been completed; and

3           “(E) the actions planned, and the projected  
4           timelines for such actions, for each installation or fa-  
5           cility to address contamination by a perfluoroalkyl  
6           substance or polyfluoroalkyl substance.

7           “(3) Each report submitted under paragraph (1)  
8           shall be provided to Congress not later than January 1st  
9           of the fiscal year immediately following the fiscal year cov-  
10          ered by the report.

11          “(4) The Secretary may delegate the responsibility  
12          for preparing the reports required by paragraph (1) only  
13          to the Deputy Secretary of Defense.”.

14          (b) CLERICAL AMENDMENT.—The table of sections  
15          for chapter 160 of such title is amended—

16                 (1) by inserting after the item relating to chap-  
17          ter 160 the following new item:

                  “SUBCHAPTER I—ENVIRONMENTAL RESTORATION”; AND

18                 (2) by adding at the end the following:

                  “SUBCHAPTER II—TREATMENT OF PERFLUOROALKYL SUBSTANCES AND  
                  POLYFLUOROALKYL SUBSTANCES

                  “Sec.

                  “2713. Definitions.

                  “2714. Perfluoroalkyl substances and polyfluoroalkyl substances task force.

                  “2715. Testing for perfluoroalkyl substances and polyfluoroalkyl substances at  
                  military installations and facilities of the National Guard.”.

1 **SEC. 352. PUBLIC DISCLOSURE OF TESTING AND RESULTS**  
2 **OF DEPARTMENT OF DEFENSE TESTING FOR**  
3 **PERFLUOROALKYL OR POLYFLUOROALKYL**  
4 **SUBSTANCES AND ADDITIONAL REQUIRE-**  
5 **MENTS FOR TESTING.**

6 (a) PUBLIC DISCLOSURE OF PFAS TESTING RE-  
7 SULTS.—Not later than 10 days after receipt of validated  
8 testing results, the Secretary of Defense shall publicly dis-  
9 close the validated results of any testing for perfluoroalkyl  
10 or polyfluoroalkyl substances (commonly referred to as  
11 “PFAS”) conducted on or at areas surrounding military  
12 installations of the Department of Defense in the United  
13 States or facilities of the National Guard, as authorized  
14 under section 2707(e) of title 10, United States Code, in-  
15 cluding—

16 (1) the results of all such testing conducted by  
17 the Department; and

18 (2) the results of all such testing conducted by  
19 a non-Department entity (including any Federal  
20 agency or any public or private entity) under con-  
21 tract by or pursuant to an agreement with the De-  
22 partment.

23 (b) PUBLIC DISCLOSURE OF PLANNED PFAS TEST-  
24 ING.—Not later than 60 days after the date of the enact-  
25 ment of the Act, and every 90 days thereafter, the Sec-  
26 retary of Defense shall disclose the expected timing and

1 general location of any planned testing for perfluoroalkyl  
2 or polyfluoroalkyl substances conducted on or at areas sur-  
3 rounding military installations of the Department of De-  
4 fense in the United States or facilities of the National  
5 Guard, as authorized under section 2707(e) of title 10,  
6 United States Code, including—

7 (1) all such testing to be conducted by the De-  
8 partment; and

9 (2) all such testing to be conducted by a non-  
10 Department entity (including any Federal agency  
11 and any public or private entity) under contract by  
12 or pursuant to an agreement with the Department.

13 (c) NATURE OF DISCLOSURE.—The Secretary of De-  
14 fense may satisfy the disclosure requirements under sub-  
15 sections (a) and (b) by publishing the information,  
16 datasets, and results relating to the testing described in  
17 such subsections—

18 (1) on the publicly available website established  
19 under section 331(b) of the National Defense Au-  
20 thorization Act for Fiscal Year 2020 (Public Law  
21 116–92; 10 U.S.C. 2701 note);

22 (2) on another publicly available website of the  
23 Department of Defense; or

24 (3) in the Federal Register.

1 (d) REQUIREMENTS OF INFORMATION TO BE DIS-  
2 CLOSED.—The information required to be disclosed by the  
3 Secretary of Defense under subsections (a) and (b) and  
4 published under subsection (c)—

5 (1) shall constitute a record for the purposes of  
6 chapters 21, 29, 31, and 33 of title 44, United  
7 States Code;

8 (2) shall include any underlying datasets or ad-  
9 ditional information of interest to the public, as de-  
10 termined by the Secretary; and

11 (3) may exclude information as authorized by  
12 law.

13 (e) LOCAL NOTIFICATION.—Prior to conducting any  
14 testing for perfluoroalkyl or polyfluoroalkyl substances, in-  
15 cluding any testing not previously planned and reported,  
16 the Secretary of Defense shall provide notice to—

17 (1) the managers of the public water system  
18 serving the areas located immediately adjacent to  
19 the military installation where such testing is to  
20 occur;

21 (2) the municipal government serving the areas  
22 located immediately adjacent to the military installa-  
23 tion where such testing is to occur; and

1           (3) all members of the Restoration Advisory  
2           Board for the military installation where such test-  
3           ing is to occur, as applicable.

4           (f) TYPE OF TESTING.—When testing for  
5           perfluoroalkyl or polyfluoroalkyl substances, the Secretary  
6           of Defense shall test for all perfluoroalkyl or  
7           polyfluoroalkyl substances included in that method of  
8           measuring the amount of such substances in drinking  
9           water that has been validated by the Administrator of the  
10          Environmental Protection Agency.

11          (g) DEFINITIONS.—In this section:

12           (1) The term “military installation” has the  
13           meaning given such term in section 2801(c)(4) of  
14           title 10, United States Code.

15           (2) The term “perfluoroalkyl or polyfluoroalkyl  
16           substance” means any man-made chemical with at  
17           least one fully fluorinated carbon atom.

18           (3) The term “public water system” has the  
19           meaning given such term under section 1401(4) of  
20           the Safe Drinking Water Act (42 U.S.C. 300f(4)).

1 **SEC. 353. EXTENSION OF TRANSFER AUTHORITY FOR**  
2 **FUNDING OF STUDY AND ASSESSMENT ON**  
3 **HEALTH IMPLICATIONS OF PER- AND**  
4 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**  
5 **NATION IN DRINKING WATER BY AGENCY**  
6 **FOR TOXIC SUBSTANCES AND DISEASE REG-**  
7 **ISTRY.**

8 Section 316(a)(2)(B)(ii) of the National Defense Au-  
9 thorization Act for Fiscal Year 2018 (Public Law 115-  
10 91; 131 Stat. 1350), as amended by section 315(a) of the  
11 John S. McCain National Defense Authorization Act for  
12 Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1713),  
13 section 321 of the National Defense Authorization Act for  
14 Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1307),  
15 and section 337 of the William M. (Mac) Thornberry Na-  
16 tional Defense Authorization Act for Fiscal Year 2021  
17 (Public Law 116-283), is further amended by striking  
18 “fiscal years 2019, 2020, and 2021” and inserting “fiscal  
19 years 2019 through 2023”.

20 **SEC. 354. REPORT ON REMEDIATION OF PERFLUOROALKYL**  
21 **SUBSTANCES AND POLYFLUOROALKYL SUB-**  
22 **STANCES AT CERTAIN MILITARY INSTALLA-**  
23 **TIONS.**

24 (a) IN GENERAL.—Not later than 60 days after the  
25 date of the enactment of this Act, the Secretary of Defense  
26 shall submit to Congress a report identifying the status

1 of efforts to remediate perfluoroalkyl substances and  
2 polyfluoroalkyl substances at the following locations:

3 (1) England Air Force Base, Louisiana.

4 (2) Naval Air Weapons Station China Lake,  
5 California.

6 (3) Patrick Air Force Base, Florida.

7 (4) Myrtle Beach Air Force Base, South Caro-  
8 lina.

9 (5) Langley Air Force Base, Virginia.

10 (6) Naval Air Station Jacksonville, Florida.

11 (7) Niagara Falls Air Reserve Station, New  
12 York.

13 (8) Grand Prairie Armed Forces Reserve Com-  
14 plex, Texas.

15 (9) Altus Air Force Base, Oklahoma.

16 (10) Charleston Air Force Base, South Caro-  
17 lina.

18 (11) Barksdale Air Force Base, Louisiana.

19 (12) Plattsburgh Air Force Base, New York.

20 (13) Tyndall Air Force Base, Florida.

21 (14) Sheppard Air Force Base, Texas.

22 (15) Columbus Air Force Base, Mississippi.

23 (16) Chanute Air Force Base, Illinois.

24 (17) Marine Corps Air Station Tustin, Cali-  
25 fornia.

- 1 (18) Travis Air Force Base, California.
- 2 (19) Ellsworth Air Force Base, South Dakota.
- 3 (20) Minot Air Force Base, North Dakota.
- 4 (21) Westover Air Reserve Base, Massachu-
- 5 setts.
- 6 (22) Eaker Air Force Base, Arkansas.
- 7 (23) Naval Air Station Alameda, California.
- 8 (24) Eielson Air Force Base, Alaska.
- 9 (25) Horsham Air Guard Station, Pennsyl-
- 10 vania.
- 11 (26) Vance Air Force Base, Oklahoma.
- 12 (27) Dover Air Force Base, Delaware.
- 13 (28) Edwards Air Force Base, California.
- 14 (29) Robins Air Force Base, Georgia.
- 15 (30) Joint Base McGuire–Dix–Lakehurst, New
- 16 Jersey.
- 17 (31) Galena Air Force Base, Alaska.
- 18 (32) Naval Research Laboratory Chesapeake
- 19 Bay Detachment, Maryland.
- 20 (33) Buckley Air Force Base, Colorado.
- 21 (34) Arnold Air Force Base, Tennessee.
- 22 (35) Tinker Air Force Base, Oklahoma.
- 23 (36) Fairchild Air Force Base, Washington.
- 24 (37) Vandenberg Air Force Base, California.

1           (38) Hancock Field Air National Guard Base,  
2           New York.

3           (39) F.E. Warren Air Force Base, Wyoming.

4           (40) Nevada Air National Guard Base, Nevada.

5           (41) K.I. Sawyer Air Force Base, Michigan.

6           (42) Pease Air Force Base, New Hampshire.

7           (43) Whiteman Air Force Base, Missouri.

8           (44) Wurtsmith Air Force Base, Michigan.

9           (45) Shepherd Field Air National Guard Base,  
10          West Virginia.

11          (46) Naval Air Station Whidbey Island–Ault  
12          Field, Washington.

13          (47) Rosecrans Air National Guard Base, Mis-  
14          souri.

15          (48) Joint Base Andrews, Maryland.

16          (49) Iowa Air National Guard Base, Iowa.

17          (50) Stewart Air National Guard Base, New  
18          York.

19          (b) DEFINITIONS.—In this section:

20           (1) The term “perfluoroalkyl substance” means  
21           a man-made chemical of which all of the carbon  
22           atoms are fully fluorinated carbon atoms.

23           (2) The term “polyfluoroalkyl substance”  
24           means a man-made chemical containing a mix of

1 fully fluorinated carbon atoms, partially fluorinated  
2 carbon atoms, and nonfluorinated carbon atoms.

3 **SEC. 355. REPORT ON SCHEDULE FOR COMPLETION OF RE-**  
4 **MEDIATION OF PERFLUOROALKYL SUB-**  
5 **STANCES AND POLYFLUOROALKYL SUB-**  
6 **STANCES.**

7 (a) IN GENERAL.—Not later than 270 days after the  
8 date of the enactment of this Act, the Secretary of Defense  
9 shall submit to the Committees on Armed Services of the  
10 Senate and the House of Representatives a report detail-  
11 ing a proposed schedule for the completion of remediation  
12 of perfluoroalkyl substances and polyfluoroalkyl sub-  
13 stances, and the associated cost estimates to perform such  
14 remediation, at military installations, facilities of the Na-  
15 tional Guard, and formerly used defense sites in the  
16 United States that are identified as of March 31, 2021,  
17 as having a release of perfluoroalkyl substances or  
18 polyfluoroalkyl substances.

19 (b) DEFINITIONS.—In this section:

20 (1) The term “military installation” has the  
21 meaning given such term in section 2801(c)(4) of  
22 title 10, United States Code.

23 (2) The term “perfluoroalkyl substance” means  
24 a man-made chemical of which all of the carbon  
25 atoms are fully fluorinated carbon atoms.

1           (3) The term “polyfluoroalkyl substance”  
2 means a man-made chemical containing a mix of  
3 fully fluorinated carbon atoms, partially fluorinated  
4 carbon atoms, and nonfluorinated carbon atoms.

## 5           **Subtitle E—Other Matters**

### 6   **SEC. 371. EXTENSION OF TEMPORARY AUTHORITY TO EX-** 7                           **TEND CONTRACTS AND LEASES UNDER THE** 8                           **ARMS INITIATIVE.**

9           Section 343 of the National Defense Authorization  
10 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.  
11 7554 note) is amended by striking “the date that is five  
12 years after the date of the enactment of this Act” and  
13 inserting “November 25, 2025.”

### 14   **SEC. 372. INCIDENT REPORTING REQUIREMENTS FOR DE-** 15                           **PARTMENT OF DEFENSE REGARDING LOST** 16                           **OR STOLEN WEAPONS.**

17           (a) IN GENERAL.—For each of fiscal years 2022,  
18 2023, and 2024, the Secretary of Defense shall submit  
19 to the Committees on Armed Services of the Senate and  
20 the House of Representatives a report on security, control,  
21 thefts, losses, and recoveries of sensitive conventional  
22 arms, ammunition, and explosives (commonly referred to  
23 as “AA&E”) of the Department of Defense during such  
24 year, including the following:

25           (1) M–16 or M4s.

1           (2) Light automatic weapons up to and includ-  
2           ing M249, M2, and 40mm MK19 machine guns.

3           (3) Functional launch tube with umbilical squib  
4           installed and grip stock for the Stinger missile.

5           (4) Launch tube, sight assembly, and grip stock  
6           for missiles.

7           (5) Tracker for the Dragon missile.

8           (6) Mortar tubes up to and including 81mm.

9           (7) Grenade launchers.

10          (8) Rocket and missile launchers with an un-  
11          packed weight of 100 pounds or less.

12          (9) Flame throwers.

13          (10) The launcher, missile guidance se, or the  
14          optical sight for the TOW and the Javelin Command  
15          Launch Unit.

16          (11) Single shot and semi-automatic (non-auto-  
17          matic) shoulder-fired weapons such as shotguns and  
18          bolt action rifles and weapons barrels.

19          (12) Handguns.

20          (13) Recoil-less rifles up to and including  
21          106mm.

22          (14) Man-portable missiles and rockets in a  
23          ready-to-fire configuration or when jointly stored or  
24          transported with the launcher tube or grip-stock and  
25          the explosive round.

1           (15) Stinger missiles.

2           (16) Dragon, Javelin, light antitank weapon  
3           (66mm), shoulder-launched multi-purpose assault  
4           weapon rocket (83mm), M136 (AT4) anti-armor  
5           launcher and cartridge (84mm).

6           (17) Missiles and rockets that are crew-served  
7           or require platform-mounted launchers and other  
8           equipment to function include HYDRA-70 rockets  
9           and tube-launched optically wire guided (TOW) mis-  
10          siles.

11          (18) Missiles and rockets that require platform-  
12          mounted launchers and complex hardware equipment  
13          to function including the HELLFIRE missile.

14          (19) Explosive rounds of any missile or rocket  
15          listed in paragraphs (1) through (18).

16          (20) Hand or rifle grenades (high-explosive and  
17          white phosphorous).

18          (21) Antitank or antipersonnel mines.

19          (22) Explosives used in demolition operations,  
20          C-4, military dynamite, and trinitrotoluene (TNT).

21          (23) Warheads for sensitive missiles and rock-  
22          ets weighing less than 50 pounds each.

23          (24) Ammunition that is .50 caliber or larger  
24          with explosive-filled projectile.



1           (1) a modernization master plan for the optimal  
2 placement and creation of efficiencies in facilities  
3 and major equipment to support mission require-  
4 ments at ammunition organic industrial base pro-  
5 duction facilities under the jurisdiction of the Sec-  
6 retary of the Army; and

7           (2) an investment strategy to address the facili-  
8 ties, major equipment, and infrastructure require-  
9 ments at each such production facility in order to  
10 support the readiness and material availability goals  
11 of current and future weapons systems of the De-  
12 partment of Defense.

13           (b) ELEMENTS.—The report required by subsection  
14 (a) shall include the following elements:

15           (1) A review of current and projected workload  
16 requirements for the manufacturing of energetic ma-  
17 terials, including propellants, explosives, pyrotech-  
18 nics, and the ingredients for propellants, explosives,  
19 and pyrotechnics, to assess efficiencies in the use of  
20 existing facilities, including consideration of new  
21 weapons characteristics and requirements, obsoles-  
22 cence of facilities, siting of facilities and equipment,  
23 and various constrained process flows.

24           (2) An analysis of life-cycle costs to repair and  
25 modernize existing mission-essential facilities versus

1 the cost to consolidate functions into modern, right-  
2 sized facilities at each location to meet current and  
3 programmed future mission requirements.

4 (3) A review of the progress made in  
5 prioritizing and funding projects that facilitate proc-  
6 ess efficiencies and consolidate and contribute to  
7 availability cost and schedule reductions.

8 (4) An accounting of the backlog of restoration  
9 and modernization projects at each arsenal of the  
10 Department of the Army.

11 (5) A master plan for each arsenal of the De-  
12 partment of the Army that incorporates the results  
13 of a review of—

14 (A) industrial processes, logistics streams,  
15 and workload distribution required to support  
16 production objectives; and

17 (B) the facilities requirements to support  
18 optimized processes.

19 (6) An updated investment strategy planned for  
20 each arsenal of the Department of the Army, includ-  
21 ing—

22 (A) a timeline to complete the master plan  
23 for such strategy;

24 (B) a list of projects and a brief scope of  
25 work for each such project; and

1 (C) cost estimates necessary to complete  
2 projects for mission essential facilities.

3 (c) ANNUAL REPORT.—As part of the annual budget  
4 submission by the President under section 1105(a) of title  
5 31, United States Code, for fiscal years 2023 through  
6 2027, the Secretary of the Army shall submit to the con-  
7 gressional defense committees a report describing the  
8 progress made in establishing the master plan under sub-  
9 section (b)(5) and implementing the investment strategy  
10 under subsection (b)(6).

11 **SEC. 375. ANNUAL REPORT BY SECRETARY OF THE NAVY**  
12 **ON SHIP MAINTENANCE.**

13 (a) IN GENERAL.—Chapter 863 of title 10, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new section:

16 **“§ 8695. Annual report on ship maintenance**

17 “Not later than October 15 of each year, the Sec-  
18 retary of the Navy shall submit to the Committee on  
19 Armed Services of the Senate and the Committee on  
20 Armed Services of the House of Representatives a report  
21 setting forth the following:

22 “(1) A description of all ship maintenance  
23 planned for the fiscal year in which the report is  
24 submitted, by hull.

1           “(2) The estimated cost of the maintenance de-  
2           scribed in paragraph (1).

3           “(3) A summary of all ship maintenance con-  
4           ducted by the Secretary during the previous fiscal  
5           year.

6           “(4) Details of any ship maintenance that was  
7           deferred during the previous fiscal year.

8           “(5) Details of planned ship maintenance that  
9           was cancelled during the previous fiscal year and a  
10          summary of the reasons for the decision.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of chapter 863 of such title is amended  
13          by adding at the end the following new item:

          “8695. Annual report on ship maintenance.”.

14                           **TITLE IV—MILITARY**  
15                           **PERSONNEL AUTHORIZATIONS**  
16                           **Subtitle A—Active Forces**

17          **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

18           The Armed Forces are authorized strengths for active  
19          duty personnel as of September 30, 2022, as follows:

20                   (1) The Army, 485,000.

21                   (2) The Navy, 346,200.

22                   (3) The Marine Corps, 178,500.

23                   (4) The Air Force, 329,220.

24                   (5) The Space Force, 8,400.

1 **SEC. 402. AUTHORITY WITH RESPECT TO AUTHORIZED**  
2 **STRENGTHS FOR GENERAL AND FLAG OFFI-**  
3 **CERS WITHIN THE ARMED FORCES FOR**  
4 **EMERGING REQUIREMENTS.**

5 (a) AUTHORITY ON AND BEFORE DECEMBER 31,  
6 2022.—Section 526 of title 10, United States Code, is  
7 amended—

8 (1) by redesignating subsection (k) as sub-  
9 section (l); and

10 (2) by inserting after subsection (j) the fol-  
11 lowing new subsection:

12 “(k) TRANSFER OF AUTHORIZATIONS AMONG THE  
13 MILITARY SERVICES.—(1) The Secretary of Defense may  
14 increase the maximum number of brigadier generals or  
15 major generals in the Army, Air Force, Marine Corps, or  
16 Space Force, or rear admirals (lower half) or rear admi-  
17 rals in the Navy, allowed under subsection (a) and section  
18 525 of this title, and the President may appoint officers  
19 in the equivalent grades equal to the number increased  
20 by the Secretary of Defense, if each appointment is made  
21 in conjunction with an offsetting reduction under para-  
22 graph (2).

23 “(2) For each increase and appointment made under  
24 the authority of paragraph (1) in the Army, Navy, Air  
25 Force, Marine Corps, or Space Force, the number of ap-  
26 pointments that may be made in the equivalent grade in

1 one of the other armed forces (other than the Coast  
2 Guard) shall be reduced by one. When such an increase  
3 and appointment is made, the Secretary of Defense shall  
4 specify the armed force in which the reduction required  
5 by this paragraph is to be made.

6 “(3) The total number of general officers and flag  
7 officers increased under paragraph (1), combined with the  
8 total number of general officers and flag officers increased  
9 under section 526a(i)(1) of this title, may not exceed 15  
10 at any one time.

11 “(4) The Secretary may not increase the maximum  
12 number of general officers or flag officers under para-  
13 graph (1) until the date that is 30 days after the date  
14 on which the Secretary provides notice of the increase to  
15 the Committees on Armed Services of the Senate and the  
16 House of Representatives.”.

17 (b) AUTHORITY AFTER DECEMBER 31, 2022.—Sec-  
18 tion 526a of title 10, United States Code, is amended by  
19 adding at the end the following new subsection:

20 “(i) TRANSFER OF AUTHORIZATIONS AMONG THE  
21 MILITARY SERVICES.—(1) The Secretary of Defense may  
22 increase the maximum number of brigadier generals or  
23 major generals in the Army, Air Force, Marine Corps, or  
24 Space Force, or rear admirals (lower half) or rear admi-  
25 rals in the Navy, allowed under subsection (a) and section

1 525 of this title and the President may appoint officers  
2 in the equivalent grades equal to the number increased  
3 by the Secretary of Defense if each appointment is made  
4 in conjunction with an offsetting reduction under para-  
5 graph (2).

6       “(2) For each increase and appointment made under  
7 the authority of paragraph (1) in the Army, Navy, Air  
8 Force, Marine Corps, or Space Force, the number of ap-  
9 pointments that may be made in the equivalent grade in  
10 one of the other armed forces (other than the Coast  
11 Guard) shall be reduced by one. When such an increase  
12 and appointment is made, the Secretary of Defense shall  
13 specify the armed force in which the reduction required  
14 by this paragraph is to be made.

15       “(3) The total number of general officers and flag  
16 officers increased under paragraph (1), combined with the  
17 total number of general officers and flag officers increased  
18 under section 526(k)(1) of this title, may not exceed 15  
19 at any one time.

20       “(4) The Secretary may not increase the maximum  
21 number of general officers or flag officers under para-  
22 graph (1) until the date that is 30 days after the date  
23 on which the Secretary provides notice of the increase to  
24 the Committees on Armed Services of the Senate and the  
25 House of Representatives.”.

1 **SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE**  
2 **END STRENGTH.**

3 (a) **IN GENERAL.**—Notwithstanding section 115(g)  
4 of title 10, United States Code, upon determination by the  
5 Secretary of the Air Force that such action would enhance  
6 manning and readiness in essential units or in critical spe-  
7 cialties, the Secretary may vary the end strength author-  
8 ized by Congress for each fiscal year as follows:

9 (1) Increase the end strength authorized pursu-  
10 ant to section 115(a)(1)(A) for a fiscal year for the  
11 Space Force by a number equal to not more than 5  
12 percent of such authorized end strength.

13 (2) Decrease the end strength authorized pur-  
14 suant to section 115(a)(1)(A) for a fiscal year for  
15 the Space Force by a number equal to not more  
16 than 10 percent of such authorized end strength.

17 (b) **TERMINATION.**—The authority provided under  
18 subsection (a) shall terminate on December 31, 2022.

19 **SEC. 404. TEMPORARY EXEMPTION FROM END STRENGTH**  
20 **GRADE RESTRICTIONS FOR THE SPACE**  
21 **FORCE.**

22 Sections 517 and 523 of title 10, United States Code,  
23 shall not apply to the Space Force until January 1, 2023.

1           **Subtitle B—Reserve Forces**

2   **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3           (a) IN GENERAL.—The Armed Forces are authorized  
4 strengths for Selected Reserve personnel of the reserve  
5 components as of September 30, 2022, as follows:

6           (1) The Army National Guard of the United  
7 States, 336,000.

8           (2) The Army Reserve, 189,500.

9           (3) The Navy Reserve, 58,600.

10          (4) The Marine Corps Reserve, 36,800.

11          (5) The Air National Guard of the United  
12 States, 108,300.

13          (6) The Air Force Reserve, 70,300.

14          (7) The Coast Guard Reserve, 7,000.

15          (b) END STRENGTH REDUCTIONS.—The end  
16 strengths prescribed by subsection (a) for the Selected Re-  
17 serve of any reserve component shall be proportionately  
18 reduced by—

19           (1) the total authorized strength of units orga-  
20 nized to serve as units of the Selected Reserve of  
21 such component which are on active duty (other  
22 than for training) at the end of the fiscal year; and

23           (2) the total number of individual members not  
24 in units organized to serve as units of the Selected  
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-  
2 pation in training) without their consent at the end  
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or  
5 individual members of the Selected Reserve of any reserve  
6 component are released from active duty during any fiscal  
7 year, the end strength prescribed for such fiscal year for  
8 the Selected Reserve of such reserve component shall be  
9 increased proportionately by the total authorized strengths  
10 of such units and by the total number of such individual  
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section  
15 411(a), the reserve components of the Armed Forces are  
16 authorized, as of September 30, 2022, the following num-  
17 ber of Reserves to be serving on full-time active duty or  
18 full-time duty, in the case of members of the National  
19 Guard, for the purpose of organizing, administering, re-  
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United  
22 States, 30,845.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,293.
- 25 (4) The Marine Corps Reserve, 2,386.

1           (5) The Air National Guard of the United  
2 States, 25,333.

3           (6) The Air Force Reserve, 6,003.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
5 **(DUAL STATUS).**

6           (a) IN GENERAL.—The authorized number of mili-  
7 tary technicians (dual status) as of the last day of fiscal  
8 year 2022 for the reserve components of the Army and  
9 the Air Force (notwithstanding section 129 of title 10,  
10 United States Code) shall be the following:

11           (1) For the Army National Guard of the United  
12 States, 22,294.

13           (2) For the Army Reserve, 6,492.

14           (3) For the Air National Guard of the United  
15 States, 10,994.

16           (4) For the Air Force Reserve, 7,111.

17           (b) LIMITATION ON NUMBER OF TEMPORARY MILI-  
18 TARY TECHNICIANS (DUAL STATUS).—The number of  
19 temporary military technicians (dual-status) employed  
20 under the authority of subsection (a) may not exceed 25  
21 percent of the total authorized number specified in such  
22 subsection.

23           (c) LIMITATION.—Under no circumstances may a  
24 military technician (dual status) employed under the au-  
25 thority of this section be coerced by a State into accepting

1 an offer of realignment or conversion to any other military  
2 status, including as a member of the Active, Guard, and  
3 Reserve program of a reserve component. If a military  
4 technician (dual status) declines to participate in such re-  
5 alignment or conversion, no further action will be taken  
6 against the individual or the individual's position.

7 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
8 **THORIZED TO BE ON ACTIVE DUTY FOR**  
9 **OPERATIONAL SUPPORT.**

10 During fiscal year 2022, the maximum number of  
11 members of the reserve components of the Armed Forces  
12 who may be serving at any time on full-time operational  
13 support duty under section 115(b) of title 10, United  
14 States Code, is the following:

15 (1) The Army National Guard of the United  
16 States, 17,000.

17 (2) The Army Reserve, 13,000.

18 (3) The Navy Reserve, 6,200.

19 (4) The Marine Corps Reserve, 3,000.

20 (5) The Air National Guard of the United  
21 States, 16,000.

22 (6) The Air Force Reserve, 14,000.

1           **Subtitle C—Authorization of**  
2                           **Appropriations**

3   **SEC. 421. MILITARY PERSONNEL.**

4           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
5 are hereby authorized to be appropriated for fiscal year  
6 2022 for the use of the Armed Forces and other activities  
7 and agencies of the Department of Defense for expenses,  
8 not otherwise provided for, for military personnel, as spec-  
9 ified in the funding table in section 4401.

10          (b) CONSTRUCTION OF AUTHORIZATION.—The au-  
11 thorization of appropriations in subsection (a) supersedes  
12 any other authorization of appropriations (definite or in-  
13 definite) for such purpose for fiscal year 2022.

14   **TITLE V—MILITARY PERSONNEL**  
15                           **POLICY**

16           **Subtitle A—Officer Personnel**  
17                           **Policy**

18   **SEC. 501. INCREASE IN AUTHORIZED LIEUTENANT COM-**  
19                           **MANDER BILLETS IN THE NAVY.**

20           Section 605(g)(4)(B) of title 10, United States Code,  
21 is amended by striking “325” and inserting “350”.

22   **SEC. 502. TIME IN GRADE REQUIREMENTS.**

23           Section 619(a) of title 10, United States Code, is  
24 amended—

1 (1) in paragraph (2), by striking “paragraph  
2 (4)” and inserting “paragraph (5)”;

3 (2) by redesignating paragraphs (4) and (5) as  
4 paragraphs (5) and (6), respectively; and

5 (3) by inserting after paragraph (3) the fol-  
6 lowing new paragraph:

7 “(4) When the needs of the service require, the Sec-  
8 retary of the military department concerned may prescribe  
9 a shorter period of service in grade, but not less than two  
10 years, for eligibility for consideration for promotion, in the  
11 case of officers designated for limited duty to whom para-  
12 graph (2) applies.”.

13 **Subtitle B—General Service Au-**  
14 **thorities and Correction of Mili-**  
15 **tary Records**

16 **PART I— SELECTIVE SERVICE REFORM**

17 **SEC. 511. MODERNIZATION OF THE SELECTIVE SERVICE**  
18 **SYSTEM.**

19 (a) REFERENCE.—Except as expressly provided oth-  
20 erwise, any reference in this section to a section or other  
21 provision shall be deemed to be a reference to that section  
22 or other provision of the Military Selective Service Act (50  
23 U.S.C. 3801 et seq.).

1 (b) PURPOSE OF SELECTIVE SERVICE.—Subsection  
2 (b) of section 1 (50 U.S.C. 3801) is amended to read as  
3 follows:

4 “(b) The Congress declares that the security of the  
5 Nation requires that adequate military strength be  
6 achieved and maintained by ensuring a requisite number  
7 of personnel with the necessary capabilities to meet the  
8 diverse mobilization needs of the Department of Defense  
9 during a national emergency.”.

10 (c) SOLEMNITY OF MILITARY SERVICE.—Section 3  
11 (50 U.S.C. 3802) is amended by adding at the end the  
12 following:

13 “(c) Regulations prescribed pursuant to subsection  
14 (a) shall include methods to convey to every person re-  
15 quired to register the solemn obligation for military service  
16 if called into training or service under this Act.”.

17 (d) EXPANDED REGISTRATION TO ALL AMERI-  
18 CANS.—

19 (1) Section 3(a) (50 U.S.C. 3802(a)) is amend-  
20 ed—

21 (A) by striking “male citizen” and insert-  
22 ing “citizen”;

23 (B) by striking “male person” and insert-  
24 ing “person”;

1 (C) by striking “present himself” and in-  
2 serting “appear”; and

3 (D) by striking “so long as he” and insert-  
4 ing “so long as such alien”.

5 (2) Section 4(e) (50 U.S.C. 3803(e)) is amend-  
6 ed by striking “enlisted men” and inserting “en-  
7 listed persons”.

8 (3) Section 5 (50 U.S.C. 3805) is amended—

9 (A) in subsection (a)(1)—

10 (i) by striking “on account of race or  
11 color” and inserting “on any basis set  
12 forth in section 703(a) of the Civil Rights  
13 Act of 1964 (42 U.S.C. 2002e–2(a))”; and

14 (ii) by striking “call for men” and in-  
15 serting “call for persons”; and

16 (B) in subsection (b), by striking “men”  
17 each place it appears and inserting “persons”.

18 (4) Section 6 (50 U.S.C. 3806) is amended—

19 (A) in subsection (a)(1)—

20 (i) by striking “enlisted men” and in-  
21 serting “enlisted persons”; and

22 (ii) by striking “accrue to him” and  
23 inserting “accrue to such alien”; and

24 (B) in subsection (h)—

1 (i) by striking “(other than wives  
2 alone, except in cases of extreme hard-  
3 ship)”; and

4 (ii) by striking “wives and children”  
5 and inserting “spouses and children”.

6 (5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is  
7 amended by striking “the President is requested”  
8 and all that follows through “race or national ori-  
9 gin” and inserting “the President is requested to ap-  
10 point the membership of each local board so that  
11 each board has both male and female members and,  
12 to the maximum extent practicable, it is proportion-  
13 ately representative of those registrants within its  
14 jurisdiction in each applicable basis set forth in sec-  
15 tion 703(a) of the Civil Rights Act of 1964 (42  
16 U.S.C. 2002e-2(a)), but no action by any board  
17 shall be declared invalid on the ground that such  
18 board failed to conform to such representation  
19 quota”.

20 (6) Section 16(a) (50 U.S.C. 3814(a)) is  
21 amended by striking “men” and inserting “persons”.

22 (e) MAINTAINING THE HEALTH OF THE SELECTIVE  
23 SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is  
24 amended by adding at the end the following new para-  
25 graph:

1           “(5) The Selective Service System shall conduct  
2           exercises periodically of all mobilization plans, sys-  
3           tems, and processes to evaluate and test the effec-  
4           tiveness of such plans, systems, and processes. Once  
5           every 4 years, the exercise shall include the full  
6           range of internal and interagency procedures to en-  
7           sure functionality and interoperability and may take  
8           place as part of the Department of Defense mobili-  
9           zation exercise under section 10208 of title 10,  
10          United States Code. The Selective Service System  
11          shall conduct a public awareness campaign in con-  
12          junction with each exercise to communicate the pur-  
13          pose of the exercise to the public.”.

14          (f) TECHNICAL AND CONFORMING AMENDMENTS.—

15          The Military Selective Service Act is amended—

16                  (1) in section 4 (50 U.S.C. 3803)—

17                          (A) in subsection (a) in the third undesig-  
18                          nated paragraph—

19                                  (i) by striking “his acceptability in all  
20                                  respects, including his” and inserting  
21                                  “such person’s acceptability in all respects,  
22                                  including such person’s”; and

23                                  (ii) by striking “he may prescribe”  
24                                  and inserting “the President may pre-  
25                                  scribe”;

1 (B) in subsection (c)—

2 (i) in paragraph (2), by striking “any  
3 enlisted member” and inserting “any per-  
4 son who is an enlisted member”; and

5 (ii) in paragraphs (3), (4), and (5), by  
6 striking “in which he resides” and insert-  
7 ing “in which such person resides”;

8 (C) in subsection (g), by striking “coordi-  
9 nate with him” and inserting “coordinate with  
10 the Director”; and

11 (D) in subsection (k)(1), by striking “find-  
12 ing by him” and inserting “finding by the  
13 President”;

14 (2) in section 5(d) (50 U.S.C. 3805(d)), by  
15 striking “he may prescribe” and inserting “the  
16 President may prescribe”;

17 (3) in section 6 (50 U.S.C. 3806)—

18 (A) in subsection (c)(2)(D), by striking  
19 “he may prescribe” and inserting “the Presi-  
20 dent may prescribe”;

21 (B) in subsection (d)(3), by striking “he  
22 may deem appropriate” and inserting “the  
23 President considers appropriate”; and

1 (C) in subsection (h), by striking “he may  
2 prescribe” each place it appears and inserting  
3 “the President may prescribe”;

4 (4) in section 10 (50 U.S.C. 3809)—

5 (A) in subsection (b)—

6 (i) in paragraph (3)—

7 (I) by striking “He shall create”  
8 and inserting “The President shall  
9 create”; and

10 (II) by striking “upon his own  
11 motion” and inserting “upon the  
12 President’s own motion”;

13 (ii) in paragraph (4), by striking “his  
14 status” and inserting “such individual’s  
15 status”; and

16 (iii) in paragraphs (4), (6), (8), and  
17 (9), by striking “he may deem” each place  
18 it appears and inserting “the President  
19 considers”; and

20 (B) in subsection (e), by striking “vested  
21 in him” and inserting “vested in the Presi-  
22 dent”;

23 (5) in section 13(b) (50 U.S.C. 3812(b)), by  
24 striking “regulation if he” and inserting “regulation  
25 if the President”;

1 (6) in section 15 (50 U.S.C. 3813)—

2 (A) in subsection (b), by striking “his”  
3 each place it appears and inserting “the reg-  
4 istrant’s”; and

5 (B) in subsection (d), by striking “he may  
6 deem” and inserting “the President considers”;

7 (7) in section 16(g) (50 U.S.C. 3814(g))—

8 (A) in paragraph (1), by striking “who as  
9 his regular and customary vocation” and insert-  
10 ing “who, as such person’s regular and cus-  
11 tomary vocation,”; and

12 (B) in paragraph (2)—

13 (i) by striking “one who as his cus-  
14 tomary vocation” and inserting “a person  
15 who, as such person’s customary voca-  
16 tion,”; and

17 (ii) by striking “he is a member” and  
18 inserting “such person is a member”;

19 (8) in section 18(a) (50 U.S.C. 3816(a)), by  
20 striking “he is authorized” and inserting “the Presi-  
21 dent is authorized”;

22 (9) in section 21 (50 U.S.C. 3819)—

23 (A) by striking “he is sooner” and insert-  
24 ing “sooner”;

1 (B) by striking “he” each subsequent place  
2 it appears and inserting “such member”; and

3 (C) by striking “his consent” and inserting  
4 “such member’s consent”;

5 (10) in section 22(b) (50 U.S.C. 3820(b)), in  
6 paragraphs (1) and (2), by striking “his” each place  
7 it appears and inserting “the registrant’s”; and

8 (11) except as otherwise provided in this sec-  
9 tion—

10 (A) by striking “he” each place it appears  
11 and inserting “such person”;

12 (B) by striking “his” each place it appears  
13 and inserting “such person’s”;

14 (C) by striking “him” each place it ap-  
15 pears and inserting “such person”; and

16 (D) by striking “present himself” each  
17 place it appears in section 12 (50 U.S.C. 3811)  
18 and inserting “appear”.

19 (g) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the date of the enactment  
21 of this Act, except that the amendments made by sub-  
22 section (d) shall take effect 1 year after such date of en-  
23 actment.

1 **SEC. 512. REPORT ON EXEMPTIONS AND DEFERMENTS FOR**  
2 **A POSSIBLE MILITARY DRAFT.**

3 Not later than 120 days after the date of the enact-  
4 ment of this Act, the Director of the Selective Service Sys-  
5 tem, in consultation with the Secretary of Defense and  
6 the Secretary of Homeland Security, shall submit to Con-  
7 gress a report providing a review of exemptions and  
8 deferments from registration, training, and service under  
9 the Military Selective Service Act (50 U.S.C. 3801 et seq.)  
10 and of proposed revisions to those exemptions and  
11 deferments, taking into account amendments to the Mili-  
12 tary Selective Service Act under section 511(a) of this Act  
13 to require registration of all United States citizens and  
14 persons residing in the United States.

15 **SEC. 513. REPORT ON PROCESSES AND PROCEDURES FOR**  
16 **APPEAL OF DENIAL OF STATUS OR BENEFITS**  
17 **FOR FAILURE TO REGISTER FOR SELECTIVE**  
18 **SERVICE.**

19 (a) REPORT REQUIRED.—Not later than 180 days  
20 after the date of the enactment of this Act, the Director  
21 of the Selective Service System shall submit to the appro-  
22 priate committees of Congress a report setting forth the  
23 results of a review of the processes and procedures em-  
24 ployed by agencies across the Federal Government for the  
25 appeal by individuals of a denial of status or benefits  
26 under Federal law for failure to register for selective serv-

1 ice under the Military Selective Service Act (50 U.S.C.  
2 3801 et seq.).

3 (b) CONSULTATION.—The Director of the Selective  
4 Service System shall carry out this section in consultation  
5 with the Secretary of Homeland Security, the Secretary  
6 of Education, the Director of the Office of Personnel Man-  
7 agement, and the heads of other appropriate Federal  
8 agencies.

9 (c) ELEMENTS.—The report required by subsection  
10 (a) shall include the following:

11 (1) A description and assessment of the various  
12 appeals processes and procedures described in sub-  
13 section (a), including—

14 (A) a description of such processes and  
15 procedures; and

16 (B) an assessment of—

17 (i) the adequacy of notice provided for  
18 appeals under such processes and proce-  
19 dures;

20 (ii) the fairness of each such process  
21 and procedure;

22 (iii) the ease of use of each such proc-  
23 ess and procedure;

1 (iv) consistency in the application of  
2 such processes and procedures across the  
3 Federal Government; and

4 (v) the applicability of an appeal  
5 granted by one Federal agency under such  
6 processes and procedures to the actions  
7 and decisions of another Federal agency on  
8 a similar appeal.

9 (2) Information on the number of waivers re-  
10 quested, and the number of waivers granted, during  
11 the 15-year period ending on the date of the enact-  
12 ment of this Act in connection with denial of status  
13 or benefits for failure to register for selective service.

14 (3) An analysis and assessment of the rec-  
15 ommendations of the National Commission on Mili-  
16 tary, National, and Public Service for reforming the  
17 rules and policies concerning failure to register for  
18 selective service.

19 (4) Such recommendations for legislative or ad-  
20 ministrative action as the Director of the Selective  
21 Service System, and the consulting officers pursuant  
22 to subsection (b), consider appropriate in light of the  
23 review conducted pursuant to subsection (a).

1           (5) Such other matters in connection with the  
2 review conducted pursuant to subsection (a) as the  
3 Director considers appropriate.

4           (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
5 FINED.—In this section, the term “appropriate committee  
6 of Congress” means—

7           (1) the Committee on Armed Services and the  
8 Committee on Homeland Security and Governmental  
9 Affairs of the Senate; and

10           (2) the Committee on Armed Services and the  
11 Committee on Oversight and Reform of the House  
12 of Representatives.

13 **SEC. 514. RESPONSIBILITIES FOR NATIONAL MOBILIZA-**  
14 **TION; PERSONNEL REQUIREMENTS.**

15           (a) EXECUTIVE AGENT FOR NATIONAL MOBILIZA-  
16 TION.—The Secretary of Defense shall designate a senior  
17 civilian official within the Office of the Secretary of De-  
18 fense as the Executive Agent for National Mobilization.  
19 The Executive Agent for National Mobilization shall be  
20 responsible for—

21           (1) developing, managing, and coordinating pol-  
22 icy and plans that address the full spectrum of mili-  
23 tary mobilization readiness, including full mobiliza-  
24 tion of personnel from volunteers to other persons

1       inducted into the Armed Forces under the Military  
2       Selective Service Act (50 U.S.C. 3801 et seq.);

3             (2) providing Congress and the Selective Serv-  
4       ice System with updated requirements and timelines  
5       for obtaining inductees in the event of a national  
6       emergency requiring mass mobilization and induc-  
7       tion of personnel under the Military Selective Service  
8       Act for training and service in the Armed Forces;  
9       and

10            (3) providing Congress with a plan, developed  
11       in coordination with the Selective Service System, to  
12       induct large numbers of volunteers who may respond  
13       to a national call for volunteers during an emer-  
14       gency.

15       (b) REPORT REQUIRED.—Not later than one year  
16       after the date of the enactment of this Act, the Secretary  
17       of Defense shall submit to Congress a plan for obtaining  
18       inductees as part of a mobilization timeline for the Selec-  
19       tive Service System. The plan shall include a description  
20       of resources, locations, and capabilities of the Armed  
21       Forces required to train, equip, and integrate personnel  
22       inducted into the Armed Forces under the Military Selec-  
23       tive Service Act into the total force, addressing scenarios  
24       that would include 300,000, 600,000, and 1,000,000 new  
25       volunteer and other personnel inducted into the Armed

1 Forces under the Military Selective Service Act. The plan  
2 may be provided in classified form.

3 **SEC. 515. ENHANCEMENTS TO NATIONAL MOBILIZATION**  
4 **EXERCISES.**

5 Section 10208 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(c)(1) The Secretary shall, beginning in the first fis-  
9 cal year that begins after the date of the enactment of  
10 this subsection, and every 5 years thereafter, as part of  
11 the major mobilization exercise under subsection (a), in-  
12 clude the processes of the Selective Service System in  
13 preparation for the induction of personnel into the armed  
14 forces under the Military Selective Service Act (50 U.S.C.  
15 3801 et seq.), and submit to Congress a report on the  
16 results of this exercise. The report may be submitted in  
17 classified form.

18 “(2) The exercise under this subsection—

19 “(A) shall include a review of national mobiliza-  
20 tion strategic and operational concepts;

21 “(B) shall include a simulation of a mobiliza-  
22 tion of all armed forces and reserve units, with plans  
23 and processes for incorporating personnel inducted  
24 into the armed forces under the Military Selective

1 Service Act and the large number of volunteers who  
2 may respond to a national call for volunteers; and

3 “(C) shall involve the Selective Service System,  
4 the Department of Homeland Security, the Depart-  
5 ment of Commerce, the Department of Labor, and  
6 other relevant interagency stakeholders.”.

7 **PART II—OTHER MATTERS**

8 **SEC. 518. MILITARY SERVICE INDEPENDENT RACIAL DIS-**  
9 **PARITY REVIEW.**

10 (a) REVIEW REQUIRED.—Each Secretary of a mili-  
11 tary department shall conduct an assessment of racial dis-  
12 parity in military justice and discipline processes and mili-  
13 tary personnel policies, as they pertain to minority popu-  
14 lations.

15 (b) REPORT REQUIRED.—Not later than one year  
16 after the date of the enactment of this Act, each Secretary  
17 concerned shall transmit to the Committees on Armed  
18 Services of the Senate and the House of Representatives  
19 and the Comptroller General of the United States a report  
20 detailing the results of the assessment required by sub-  
21 section (a), together with recommendations for statutory  
22 or regulatory changes as the Secretary concerned deter-  
23 mines appropriate.

24 (c) COMPTROLLER GENERAL REPORT.—Not later  
25 than 180 days after receiving the reports submitted under

1 subsection (b), the Comptroller General shall submit to  
2 the Committees on Armed Services of the Senate and the  
3 House of Representatives a report comparing the military  
4 service assessments on racial disparity to existing reports  
5 assessing racial disparity in civilian criminal justice sys-  
6 tems in the United States.

7 (d) DEFINITIONS.—In this section:

8 (1) MILITARY JUSTICE; DISCIPLINE PROC-  
9 ESSES.—The terms “military justice” and “dis-  
10 cipline processes” refer to all facets of the military  
11 justice system, including investigation, the use of ad-  
12 ministrative separations and other administrative  
13 sanctions, non-judicial punishment, panel selection,  
14 pre-trial confinement, the use of solitary confine-  
15 ment, dispositions of courts-martial, sentencing, and  
16 post-trial processes.

17 (2) MILITARY PERSONNEL POLICIES.—The  
18 term “military personnel policies” includes accession  
19 rates and policies, retention rates and policies, pro-  
20 motion rates, assignments, professional military edu-  
21 cation selection and policies, and career opportunity  
22 for minority members of the Armed Forces.

23 (3) MINORITY POPULATIONS.—The term “mi-  
24 nority populations” includes Black, Hispanic, Asian/

1 Pacific Islander, American Indian, and Alaska Na-  
2 tive populations.

3 **SEC. 519. APPEALS TO PHYSICAL EVALUATION BOARD DE-**  
4 **TERMINATIONS OF FITNESS FOR DUTY.**

5 Not later than 90 days after the date of the enact-  
6 ment of this Act, the Secretary of Defense shall incor-  
7 porate a formal appeals process into the policies and pro-  
8 cedures applicable to the implementation of the Integrated  
9 Disability Evaluation System of the Department of De-  
10 fense. The appeals process shall include the following:

11 (1) The Secretary concerned shall ensure that  
12 a member of the Armed Forces may submit a formal  
13 appeal made with respect to determinations of fit-  
14 ness for duty to a Physical Evaluation Board of  
15 such Secretary.

16 (2) The appeals process shall include, at the re-  
17 quest of such member, an impartial hearing on a fit-  
18 ness for duty determination to be conducted by the  
19 Secretary concerned.

20 (3) Such member shall have the option to be  
21 represented at a hearing by legal counsel.

22 **SEC. 520. EXTENSION OF PAID PARENTAL LEAVE.**

23 (a) IN GENERAL.—Section 701 of title 10, United  
24 States Code, is amended—

25 (1) in subsection (i)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking  
3 “a member” and all that follows through  
4 the period at the end and inserting the fol-  
5 lowing: “a member of the armed forces de-  
6 scribed in paragraph (2) is allowed up to  
7 a total of 12 weeks of parental leave dur-  
8 ing the one-year period beginning after the  
9 following events:

10 “(i) The birth or adoption of a child  
11 of the member and in order to care for  
12 such child.

13 “(ii) The placement of a minor child  
14 with the member for adoption or foster  
15 care.”; and

16 (ii) by striking subparagraph (B) and  
17 inserting the following:

18 “(B)(i) The Secretary concerned, under  
19 uniform regulations to be prescribed by the Sec-  
20 retary of Defense, may authorize leave de-  
21 scribed under subparagraph (A) to be taken  
22 after the one-year period described in such  
23 paragraph in the case of a member described in  
24 paragraph (2) who, except for this subpara-  
25 graph, would lose unused parental leave at the

1 end of the one-year period described in subpara-  
2 graph (A) as a result of—

3 “(I) operational requirements;

4 “(II) professional military education  
5 obligations; or

6 “(III) other circumstances that the  
7 Secretary determines reasonable and ap-  
8 propriate.

9 “(ii) The regulations prescribed under  
10 clause (i) shall require that any leave author-  
11 ized to be taken after the one-year period de-  
12 scribed in subparagraph (A) shall be taken  
13 within a reasonable period of time, as deter-  
14 mined by the Secretary of Defense, after ces-  
15 sation of the circumstances warranting the ex-  
16 tended deadline.”;

17 (B) by striking paragraphs (3), (8), and  
18 (10) and redesignating paragraphs (4), (5), (6),  
19 (7), and (9) as paragraphs (3), (4), (5), (6),  
20 and (7), respectively;

21 (C) in paragraph (3), as redesignated by  
22 subparagraph (B), by striking “a member may  
23 receive more than six weeks of medical con-  
24 valescent leave in connection with the birth of  
25 a child, but only if the additional medical con-

1 valescent leave” and inserting “a member who  
2 has given birth may take convalescent leave in  
3 conjunction with the birth of a child. Any med-  
4 ical convalescent leave taken by a member that  
5 has given birth shall be used concurrently with  
6 the member’s 12-week parental leave entitle-  
7 ment. Medical convalescent leave in excess of  
8 twelve weeks may be authorized if additional  
9 medical convalescent leave”;

10 (D) in paragraph (4), as so redesignated,  
11 by striking “paragraphs (1) and (4)” and in-  
12 serting “paragraphs (1) and (3)”;

13 (E) in paragraph (5)(A), as so redesign-  
14 ated, by inserting “, subject to the exceptions  
15 in paragraph (1)(B)(ii)” after “shall be for-  
16 feited”; and

17 (F) in paragraph (7)(B), as so redesign-  
18 ated, by striking “paragraph (4)” and insert-  
19 ing “paragraph (3)”;

20 (2) by striking subsection (j) and redesignating  
21 subsections (k) and (l) as subsections (j) and (k), re-  
22 spectively.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall take effect one year after the date of  
25 the enactment of this Act.

1 (c) REGULATIONS.—Not later than one year after the  
2 date of the enactment of this Act, the Secretary of Defense  
3 shall prescribe regulations implementing the amendments  
4 made by subsection (a).

5 **SEC. 520A. BEREAVEMENT LEAVE FOR MEMBERS OF THE**  
6 **ARMED FORCES.**

7 (a) IN GENERAL.—Section 701 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new subsection:

10 “(m)(1)(A) Under regulations prescribed by the Sec-  
11 retary of Defense, a member of the armed forces described  
12 in subparagraph (B) is allowed up to two weeks of leave  
13 to be used in connection with the death of an immediate  
14 family member.

15 “(B) Subparagraph (A) applies to the following mem-  
16 bers:

17 “(A) A member on active duty.

18 “(B) A member of a reserve component per-  
19 forming active Guard and Reserve duty.

20 “(C) A member of a reserve component subject  
21 to an active duty recall or mobilization order in ex-  
22 cess of 12 months.

23 “(2) Under the regulations prescribed for purposes  
24 of this subsection, a member taking leave under paragraph  
25 (1) shall not have his or her leave account reduced as a

1 result of taking such leave if such member's accrued leave  
2 is fewer than 30 days. Members with 30 or more days  
3 of accrued leave shall be charged for bereavement leave  
4 until such point that the member's accrued leave is less  
5 than 30 days. Any remaining bereavement leave taken by  
6 such member in accordance with paragraph (1) after such  
7 point shall not be chargeable to the member.

8       “(3) IMMEDIATE FAMILY MEMBER DEFINED.—In  
9 this section, the term ‘immediate family member’, with re-  
10 spect to a member of the armed forces, means—

11               “(A) the member's spouse; or

12               “(B) a child of the member.”.

13       (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect 180 days after the date  
15 of the enactment of this Act.

1 **Subtitle C—Prevention and Re-**  
2 ****response to Sexual Assault, Har-****  
3 ****assment, and Related Mis-****  
4 ****conduct, and Other Military****  
5 ****Justice Matters****

6 **SEC. 521. DOD SAFE HELPLINE AUTHORIZATION TO PER-**  
7 ****FORM INTAKE OF OFFICIAL RESTRICTED****  
8 ****AND UNRESTRICTED REPORTS FOR ELIGIBLE****  
9 ****ADULT SEXUAL ASSAULT VICTIMS.****

10 Section 584 of the National Defense Authorization  
11 Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C.  
12 1561 note) is amended—

13 (1) by redesignating subsection (d) as sub-  
14 section (e); and

15 (2) by inserting after subsection (e) the fol-  
16 lowing new subsection:

17 “(d) AUTHORIZATIONS FOR DOD SAFE HELPLINE.—

18 “(1) PROVIDING SUPPORT AND RECEIVING OF-  
19 FICIAL REPORTS.—DoD Safe Helpline (or any suc-  
20 cessor service to DoD Safe Helpline, if any, as iden-  
21 tified by the Secretary of Defense) is authorized to  
22 provide crisis intervention and support and to per-  
23 form the intake of official reports of sexual assault  
24 from eligible adult sexual assault victims who con-

1       tact the DoD Safe Helpline or other reports as di-  
2       rected by the Secretary of Defense.

3           “(2) TRAINING AND OVERSIGHT.—DoD Safe  
4       Helpline staff shall have specialized training and ap-  
5       propriate certification to support eligible adult sex-  
6       ual assault victims.

7           “(3) ELIGIBILITY AND PROCEDURES.—The Sec-  
8       retary of Defense shall prescribe regulations regard-  
9       ing eligibility for DoD Safe Helpline services, proce-  
10      dures for providing crisis intervention and support,  
11      and accepting reports.

12          “(4) ELECTRONIC RECEIPT OF OFFICIAL RE-  
13      PORTS OF ADULT SEXUAL ASSAULTS.—DoD Safe  
14      Helpline shall provide the ability to receive reports  
15      of adult sexual assaults through the DoD Safe  
16      Helpline website and mobile phone applications, in a  
17      secure manner consistent with appropriate protec-  
18      tion of victim privacy, and may offer other methods  
19      of receiving electronic submission of adult sexual as-  
20      sault reports, as appropriate, in a manner that ap-  
21      propriately protects victim privacy.

22          “(5) TYPES OF REPORTS.—Reports of sexual  
23      assault from eligible adult sexual assault victims re-  
24      ceived by DoD Safe Helpline (or a successor as de-  
25      termined by the Secretary of Defense) shall include

1       unrestricted and restricted reports, or other reports  
2       as directed by the Secretary of Defense.

3               “(6) OPTION FOR ENTRY INTO THE CATCH A  
4       SERIAL OFFENDER SYSTEM.—An individual making  
5       a restricted report (or a relevant successor type of  
6       report or other type of appropriate report, as deter-  
7       mined by the Secretary of Defense) to the DoD Safe  
8       Helpline (or a successor as determined by the Sec-  
9       retary of Defense) shall have the option to submit  
10      information related to their report to the CATCH A  
11      SERIAL OFFENDER system (or its successor or  
12      similar system as determined by the Secretary of  
13      Defense).”.

14 **SEC. 522. ASSESSMENT OF RELATIONSHIP BETWEEN COM-**  
15                   **MAND CLIMATE AND THE PREVENTION AND**  
16                   **ADJUDICATION OF MILITARY SEXUAL MIS-**  
17                   **CONDUCT.**

18       (a) ASSESSMENT REQUIRED.—The Secretary of De-  
19      fense shall require the Secretaries of the military depart-  
20      ments to conduct not fewer than six independent reviews  
21      at military installations under the control of the Secretary  
22      concerned to assess the command climate at such military  
23      installations, to include a review of those installations’ pro-  
24      grams to prevent and respond to sexual assault and sexual

1 harassment, organizational climate, gender discrimination,  
2 and support of survivors.

3 (b) LOCATIONS.—The assessments conducted under  
4 subsection (a) shall be conducted at—

5 (1) not fewer than three installations, including  
6 at least one Navy ship, with the highest risk of sex-  
7 ual assault, as defined by the Secretary of Defense;  
8 and

9 (2) not fewer than three installations, including  
10 at least one Navy ship, with the lowest risk of sexual  
11 assault, as defined by the Secretary of Defense.

12 (c) PARAMETERS.—

13 (1) INDEPENDENCE.—The assessments con-  
14 ducted under this section may be comprised of civil-  
15 ian and military personnel, include the membership  
16 of, and input from, the Office of the Department of  
17 Defense Inspector General, and include individuals  
18 possessing the appropriate level of experience to con-  
19 duct assessments of command climate. The members  
20 conducting an assessment of a particular military in-  
21 stallation shall be independent from the military  
22 service assessed, the chain of command involved, and  
23 the installation that is the focus of the review.

24 (2) DATA SURVEYED.—The assessment shall le-  
25 verage command climate surveys, interviews, focus

1 groups, independent research and materials, media  
2 reports, and other means as determined by the Sec-  
3 retary of Defense.

4 (d) USE OF RESULTS.—The results of the assess-  
5 ment shall be used to inform best practices in supporting  
6 a climate that supports prevention programs and survivors  
7 at military installations. The best practices shall be shared  
8 throughout the Department of Defense, including with the  
9 installations included in the assessment, and in a publicly  
10 available report.

11 (e) COMPLETION AND REPORTING.—The assessment  
12 under this section shall be completed not later than 18  
13 months after the date of the enactment of this Act. Not  
14 later than 30 days after the assessment is completed, the  
15 Secretary of Defense shall submit a report with findings  
16 to the Committee on Armed Services of the Senate and  
17 the Committee on Armed Services of the House of Rep-  
18 resentatives.

19 **SEC. 523. POLICY FOR ENSURING THE ANNUAL REPORT RE-**  
20 **GARDING SEXUAL ASSAULTS INVOLVING**  
21 **MEMBERS OF THE ARMED FORCES INCLUDES**  
22 **INFORMATION ON RACE AND ETHNICITY OF**  
23 **VICTIMS.**

24 The Secretary of Defense shall prescribe policy re-  
25 quiring information on the race and ethnicity of victims

1 and accused individuals to be included to the maximum  
2 extent practicable in the annual report required under sec-  
3 tion 1631 of the Ike Skelton National Defense Authoriza-  
4 tion Act for Fiscal Year 2011 (Public Law 111–383; 10  
5 U.S.C. 1561 note). The policy may provide for the exclu-  
6 sion of such information based on privacy concerns, im-  
7 pacts on accountability efforts, or other matters of impor-  
8 tance as determined and identified in such policy by the  
9 Secretary.

10 **SEC. 524. DEPARTMENT OF DEFENSE TRACKING OF ALLE-**  
11 **GATIONS OF RETALIATION BY VICTIMS OF**  
12 **SEXUAL ASSAULT OR SEXUAL HARASSMENT**  
13 **AND RELATED PERSONS.**

14 (a) IN GENERAL.—Chapter 80 of title 10, United  
15 States Code, is amended by inserting after section 1562  
16 the following new section:

17 **“§ 1562a. Complaints of retaliation by victims of sex-**  
18 **ual assault or sexual harassment and re-**  
19 **lated persons: tracking by Department of**  
20 **Defense**

21 “(a) DESIGNATION OF RESPONSIBLE COMPONENT.—  
22 The Secretary of Defense shall designate a component of  
23 the Office of the Secretary of Defense to be responsible  
24 for documenting and tracking all covered allegations of re-  
25 taliation and shall ensure that the Secretaries concerned

1 and the Inspector General of the Department of Defense  
2 provide to such component the information required to be  
3 documented and tracked as described in subsection (b).

4 “(b) TRACKING OF ALLEGATIONS.—The head of the  
5 component designated by the Secretary under subsection  
6 (a) shall document and track each covered allegation of  
7 retaliation, including—

8 “(1) that such an allegation has been reported  
9 and by whom;

10 “(2) the date of the report;

11 “(3) the nature of the allegation and the name  
12 of the person or persons alleged to have engaged in  
13 such retaliation;

14 “(4) the Department of Defense component or  
15 other entity responsible for the investigation of or  
16 inquiry into the allegation;

17 “(5) the entry of findings;

18 “(6) referral of such findings to a decision-  
19 maker for review and action, as appropriate;

20 “(7) the outcome of final action; and

21 “(8) any other element of information per-  
22 taining to the allegation determined appropriate by  
23 the Secretary or the head of the component des-  
24 ignated by the Secretary.

1       “(c) COVERED ALLEGATION OF RETALIATION DE-  
2 FINED.—In this section, the term ‘covered allegation of  
3 retaliation’ means an allegation of retaliation—

4           “(1) made by—

5               “(A) an alleged victim of sexual assault or  
6 sexual harassment;

7               “(B) an individual charged with providing  
8 services or support to an alleged victim of sex-  
9 ual assault or sexual harassment;

10              “(C) a witness or bystander to an alleged  
11 sexual assault or sexual harassment; or

12              “(D) any other person associated with an  
13 alleged victim of a sexual assault or sexual har-  
14 assment; and

15           “(2) without regard to whether the allegation is  
16 reported to or investigated or inquired into by—

17               “(A) the Department of Defense Inspector  
18 General or any other inspector general;

19               “(B) a military criminal investigative orga-  
20 nization;

21               “(C) a commander or other person at the  
22 direction of the commander;

23               “(D) another military or civilian law en-  
24 forcement organization; or



1 (1) by striking “Under regulations” and insert-  
2 ing “Notwithstanding section 552a of title 5, United  
3 States Code (commonly referred to as the ‘Privacy  
4 Act’ or the ‘Privacy Act of 1974’) and under regula-  
5 tions”;

6 (2) by striking “alleged sexual assault” and in-  
7 serting “an alleged sex-related offense”; and

8 (3) by adding at the end the following new sen-  
9 tence: “Upon such final determination, the com-  
10 mander shall notify the victim of the type of action  
11 taken on such case, the outcome of the action (in-  
12 cluding any punishments assigned or characteriza-  
13 tion of service, as applicable), and such other infor-  
14 mation as the commander determines to be rel-  
15 evant.”.

16 **SEC. 527. RECOMMENDATIONS ON SEPARATE PUNITIVE AR-**  
17 **TICLE IN THE UNIFORM CODE OF MILITARY**  
18 **JUSTICE ON VIOLENT EXTREMISM.**

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the Secretary of Defense shall submit  
21 to the Committees on Armed Services of the Senate and  
22 the House of Representatives a report containing such rec-  
23 ommendations as the Secretary considers appropriate with  
24 respect to the establishment of a separate punitive article

1 in chapter 47 of title 10, United States Code (the Uniform  
2 Code of Military Justice), on violent extremism.

3 **SEC. 528. DETERMINATION AND REPORTING OF MISSING,**  
4 **ABSENT UNKNOWN, ABSENT WITHOUT**  
5 **LEAVE, AND DUTY STATUS-WHEREABOUTS**  
6 **UNKNOWN SERVICE MEMBERS.**

7 (a) COMPREHENSIVE REVIEW OF MISSING PERSONS  
8 REPORTING.—The Secretary of Defense shall instruct the  
9 Secretary of each military department to undertake a com-  
10 prehensive review of the department’s policies and proce-  
11 dures for determining and reporting service members as  
12 missing, absent unknown, absent without leave, or duty  
13 status-whereabouts unknown.

14 (b) REVIEW OF INSTALLATION-LEVEL PROCE-  
15 DURES.—In addition to such other requirements as may  
16 be set forth by the Secretary of Defense pursuant to sub-  
17 section (a), the Secretary of each military department  
18 shall with regard to the department concerned—

19 (1) direct each military installation, including  
20 any tenant command or activity present on such in-  
21 stallation, to review its policies and procedures for  
22 carrying out the determination and reporting activi-  
23 ties described under subsection (a); and

24 (2) update such installation-level policies and  
25 procedures, including any tenant command or activ-

1       ity policies and procedures, with a view towards  
2       force protection, enhanced security for service mem-  
3       bers living on the military installation, and  
4       prioritizing reporting at the earliest practicable time  
5       to local law enforcement at all levels, and Federal  
6       law enforcement field offices with overlapping juris-  
7       diction with that installation, when a service member  
8       is determined to be missing, absent unknown, absent  
9       without leave, or duty status-whereabouts unknown.

10       (c) INSTALLATION-SPECIFIC REPORTING PROTO-  
11 COLS.—

12           (1) IN GENERAL.—The commander of each  
13       military installation shall establish a protocol appli-  
14       cable to all persons and organizations present on the  
15       installation, including tenant commands and activi-  
16       ties, for sharing information with local and Federal  
17       law enforcement agencies about service members  
18       who are missing, absent-unknown, absent without  
19       leave, or duty status-whereabouts unknown. The  
20       protocol shall provide for the an immediate entry re-  
21       garding the service member concerned in the Miss-  
22       ing Persons File of the National Crimes Information  
23       Center data and for the commander to immediately  
24       notify all local law enforcement agencies with juris-  
25       dictions in the immediate area of the military instal-

1 lation, when the status of a service member assigned  
2 to such installation has been determined to be miss-  
3 ing, absent unknown, absent without leave, or duty  
4 status-whereabouts unknown.

5 (2) REPORTING TO MILITARY INSTALLATION  
6 COMMAND.—The commander of each military instal-  
7 lation shall submit the protocol established pursuant  
8 to paragraph (1) to the Secretary of the military de-  
9 partment concerned.

10 **SEC. 529. CONDUCT UNBECOMING AN OFFICER.**

11 (a) IN GENERAL.—Section 933 of title 10, United  
12 States Code (article 133 of the Uniform Code of Military  
13 Justice) is amended—

14 (1) in the section heading, by striking “**and a**  
15 **gentleman**”; and

16 (2) by striking “and a gentleman”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of subchapter X of chapter 47 of such  
19 title is amended in the item relating to section 933 (article  
20 133) by striking “and a gentleman”.

21 **SEC. 530. ANALYSIS OF THE USE OF NON-JUDICIAL PUNISH-**  
22 **MENT.**

23 (a) IN GENERAL.—The Secretary of Defense shall  
24 conduct statistical analysis of information on punishments

1 imposed under section 815 of title 10, United States Code  
2 (article 15 of the Uniform Code of Military Justice).

3 (b) SCOPE.—The information analyzed under sub-  
4 section (a) shall include the following:

5 (1) The race, ethnicity, gender, rank, and grade  
6 of—

7 (A) members of the armed forces punished  
8 under section 815 of title 10, United States  
9 Code (article 15 of the Uniform Code of Military  
10 Justice);

11 (B) commanders who imposed such pun-  
12 ishment; and

13 (C) victims of the conduct for which such  
14 punishment was imposed.

15 (2) For punishments imposed under such sec-  
16 tion (article), the Secretary shall—

17 (A) analyze the offenses under this chapter  
18 for which punishment was imposed; and

19 (B) analyze investigations conducted before  
20 the imposition of punishment.

21 **SEC. 530A. SEXUAL ASSAULT RESPONSE COORDINATOR**  
22 **MILITARY OCCUPATIONAL SPECIALTY.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of the enactment of this Act, the Secretary of Defense  
25 shall submit to the congressional defense committees a re-

1 port on the optimal execution of a Sexual Assault Re-  
2 sponse Coordinator (SARC) Military Occupational Spe-  
3 cialty (MOS).

4 (b) ELEMENTS.—The report required under sub-  
5 section (a) shall include the following elements:

6 (1) A recommendation on the required rank  
7 and experience of a SARC MOS.

8 (2) Recommendations for strengthening recruit-  
9 ment and retention of members of the Armed Forces  
10 of the required rank and experience identified under  
11 paragraph (1), including—

12 (A) designating SARC as a secondary  
13 MOS instead of a primary MOS;

14 (B) providing initial or recurrent bonuses  
15 or duty stations of choice to service members  
16 who qualify for the SARC MOS;

17 (C) limiting the amount of time that a  
18 service member who has qualified for the SARC  
19 MOS can serve as a SARC in a given period of  
20 time; or

21 (D) requiring evaluations for service mem-  
22 bers who have qualified for the SARC MOS and  
23 are serving as a SARC to be completed by an  
24 officer of the rank of O-6 or higher.



1 Truths and the Duty to Change: Recommendations from  
2 the Independent Review Commission on Sexual Assault in  
3 the Military”.

4 (b) LINE OF EFFORT 2.—The Secretary of Defense  
5 shall implement the following recommendations included  
6 in Line of Effort 2: Prevention of section III of the IRC  
7 report:

8 (1) 2.1 Equip all leaders with prevention com-  
9 petencies and evaluate their performance.

10 (A) 2.1 a The Under Secretary of Defense  
11 for Personnel and Readiness (USD(P&R))  
12 should define the competencies leaders must  
13 have to oversee prevention.

14 (B) 2.1 b The Services and the National  
15 Guard Bureau (NGB) should develop and hold  
16 leaders appropriately accountable for preven-  
17 tion.

18 (C) 2.1 c The Services and the NGB  
19 should equip all leaders to develop and deliver  
20 informed prevention messages in formal and in-  
21 formal settings.

22 (2) 2.2 Establish a dedicated primary preven-  
23 tion workforce

1 (A) 2.2 a USD(P&R) should develop a  
2 model for a dedicated and capable prevention  
3 workforce.

4 (B) 2.2 b USD(P&R) should develop a  
5 professional credential for the prevention work-  
6 force.

7 (C) 2.2 c The Services should determine  
8 the optimum full-time prevention workforce,  
9 and equip all echelons of active duty, reserve,  
10 and guard organizations.

11 (3) 2.3 Implement community-level prevention  
12 strategies unique to Service members' environments.

13 (A) 2.3 a The Services and the NGB  
14 should resource and implement prevention  
15 strategies at organizational and community lev-  
16 els.

17 (B) 2.3 b USD(P&R) should identify a  
18 non-clinical OSD-level Office of Primary Re-  
19 sponsibility for alcohol policy and develop rel-  
20 evant policy guidance and oversight.

21 (4) 2.4 Modernize prevention education and  
22 skill-building to reflect today's generation of Service  
23 members.

1           (5) 2.5 Identify and actively support Service  
2 members with the most effective prevention interven-  
3 tions.

4           (A) 2.5 a The Services and the NGB  
5 should institute a pilot program to link Service  
6 members with resources and support.

7           (B) 2.5 b The Services and the NGB  
8 should employ virtual platforms to provide sup-  
9 port to all Service members.

10          (6) 2.6 Create a state-of-the-art DoD preven-  
11 tion research capability.

12          (A) 2.6 a DoD should establish a dedicated  
13 research center for the primary prevention of  
14 interpersonal and self-directed violence.

15          (B) 2.6 b USD(P&R), the Services, and  
16 the NGB should continually review and update  
17 all policies that unnecessarily restrict data col-  
18 lection on important populations of Service  
19 members.

20          (C) 2.6 c The Secretary of Defense should  
21 immediately authorize operational testing of the  
22 Air Force Compatibility Assessment with a  
23 cross-Service pre-accession sample, allowing for  
24 important research and intervention develop-  
25 ment.

1 (D) 2.6 d The USD(P&R) should commis-  
2 sion research on gender and masculinities to de-  
3 velop effective social marketing strategies to fa-  
4 cilitate primary prevention efforts.

5 (7) 2.7 Establish a comprehensive National  
6 Guard primary prevention strategy.

7 (A) 2.7 a The NGB should develop Army  
8 National and Air National Guard prevention  
9 strategies aligned with DoD's Prevention Plan  
10 of Action, based on the National Guard's  
11 unique construct and missions.

12 (B) 2.7 b USD(P&R) should submit a leg-  
13 islative proposal providing authorization and  
14 funding for the NGB to conduct recurring Na-  
15 tional Guard unit inspections and staff assist-  
16 ance visits for prevention oversight and assist-  
17 ance.

18 (8) 2.8 USD(P&R) should update the Depart-  
19 ment's prevention strategy, including the DoD Pre-  
20 vention Plan of Action, to incorporate approved IRC  
21 recommendations.

22 (c) LINE OF EFFORT 3.—The Secretary of Defense  
23 shall implement the following recommendations included  
24 in Line of Effort 3: Climate and Culture of section III  
25 of the IRC report:

1           (1) 3.1 USD(P&R) should codify in policy and  
2           direct the development and implementation of  
3           metrics related to sexual harassment and sexual as-  
4           sault as part of readiness tracking and reporting.

5           (2) 3.2 USD(P&R) should direct the Services to  
6           educate the force about sexual harassment and sex-  
7           ual assault within the context of the Services' core  
8           values.

9           (3) 3.3 DoD must execute on the principle that  
10          addressing sexual harassment and sexual assault in  
11          the 21st century requires engaging with the cyber  
12          domain.

13                 (A) 3.3 a Collect data to measure the  
14                 problem of cyberharassment (and related  
15                 harms).

16                 (B) 3.3 b Educate leaders on  
17                 cyberharassment and technology-facilitated sex-  
18                 ual harassment and sexual assault.

19                 (C) 3.3 c Hold Service members appro-  
20                 priately accountable who engage in  
21                 cyberharassment and other forms of technology-  
22                 facilitated sexual harassment and sexual as-  
23                 sault.

24           (4) 3.4 DoD should ensure that there is an in-  
25           ternal focus on preventing sexual harm and gender-

1 based violence across the force in implementing the  
2 2017 National Women, Peace, and Security (WPS)  
3 Act.

4 (A) 3.4 a Elevate and standardize the gen-  
5 der advisor workforce.

6 (B) 3.4 b Use qualitative data as part of  
7 indicators for Defense Objective One of the  
8 WPS Strategic Framework.

9 (C) 3.4 c Integrate a gender analysis into  
10 the military's planning & operational frame-  
11 works.

12 (D) 3.4 d Review and revise Professional  
13 Military Education (PME) and DoD school-  
14 house curricula to mainstream WPS priorities.

15 (E) 3.4 e Congress should support DoD's  
16 inclusion of Personnel & Readiness in WPS im-  
17 plementation and codify in legislation.

18 (5) 3.5 Use qualitative data to select, develop,  
19 and evaluate the right leaders for command posi-  
20 tions.

21 (A) 3.5 a Use qualitative data to select  
22 and develop the right leaders.

23 (B) 3.5 b Include a meaningful narrative  
24 section in performance evaluations for officers  
25 and NCOs.

1           (6) 3.6 Building a climate for the reduction of  
2 sexual harassment and sexual assault as a funda-  
3 mental leader development requirement.

4           (7) 3.7 USD(P&R) should undertake a series of  
5 enhancements to the climate survey process to en-  
6 sure that timely, actionable data can be used to im-  
7 prove unit climate on sexual harassment and assault.

8           (A) 3.7 a USD(P&R) should develop a  
9 standardized “pulse survey” tool that would en-  
10 able unit-level commanders to collect real-time  
11 climate data on sexual harassment and sexual  
12 assault from Service members in their units be-  
13 tween required administrations of the Defense  
14 Organizational Climate Survey (DEOCS).

15           (B) 3.7 b The Secretary of Defense should  
16 direct the Services to develop a formal system  
17 to share climate survey data at the unit level  
18 and initiate and evaluate corrective action  
19 plans.

20           (C) 3.7 c USD(P&R) should accelerate ef-  
21 forts to develop a validated “Climate Bench-  
22 mark” to measure healthy and unhealthy cli-  
23 mate at the unit level.

24           (D) 3.7 d The Secretary of Defense should  
25 assess whether current DoD policies, relevant

1 components, and the Service-level Equal Oppor-  
2 tunity workforce have the capacity to help com-  
3 manders resolve climate issues.

4 (8) 3.8 The Services should publish the nature  
5 and results of all disciplinary actions related to sex-  
6 ual misconduct and disseminate this information to  
7 troops periodically.

8 (d) LINE OF EFFORT 4.—The Secretary of Defense  
9 shall implement the following recommendations included  
10 in Line of Effort 4: Victim Care and Support of section  
11 III of the IRC report:

12 (1) 4.1 Optimize the victim care and support  
13 workforce.

14 (A) 4.1 a Move SARC's and SAPR VAs  
15 from the command reporting structure.

16 (B) 4.1 b Eliminate collateral duty for  
17 SARC's and SAPR VAs, with exceptions for  
18 ships, submarines, and isolated installations.

19 (C) 4.1 c Explore the co-location of SAPR  
20 and SHARP with other special victim services,  
21 such as FAP, to improve coordination, collabo-  
22 ration, and consistency in victim support.

23 (D) 4.1 d Train Independent Duty Corps-  
24 men to be Sexual Assault Medical Forensic Ex-  
25 aminers so patient care and evidence collection

1 can be provided in deployed and isolated envi-  
2 ronments.

3 (2) 4.2 Expand victim service options to meet  
4 the needs of all survivors of sexual assault and sex-  
5 ual harassment.

6 (A) 4.2 a Increase access to and visibility  
7 of civilian community-based care.

8 (B) 4.2 b Authorize Service members to  
9 access the full spectrum of VA services for con-  
10 ditions related to military sexual assault and  
11 sexual harassment confidentially, and without a  
12 referral.

13 (C) 4.2 c Expand access to CATCH to in-  
14 clude victims of sexual harassment and enable  
15 Service members to self-service access to  
16 CATCH.

17 (D) 4.2 d Create survivor-led peer support  
18 programs that allow for in-person, virtual, and  
19 telephone interaction.

20 (E) 4.2 e Amplify victims' rights and serv-  
21 ices in the post-trial period.

22 (3) 4.3 Center the survivor to facilitate healing  
23 and restoration.

24 (A) 4.3 a Implement the No Wrong Door  
25 approach to sexual harassment, sexual assault,

1 and domestic abuse across the Services and  
2 NGB.

3 (B) 4.3 b Institute a “Commander’s Pack-  
4 age” from the SAPR VA with recommendations  
5 for victim care and support.

6 (C) 4.3 c Allow survivors flexibility to take  
7 non-chargeable time off for seeking services or  
8 time for recovery from sexual assault.

9 (D) 4.3 d Increase victim agency and con-  
10 trol of the response process by: maximizing ad-  
11 herence to survivor preference on reporting sta-  
12 tus, and centering survivor preferences in expe-  
13 dited transfers.

14 (E) 4.3 e Study the methods our allies  
15 have used to make amends to survivors, includ-  
16 ing restorative engagement to acknowledge  
17 harm, and potential victim compensation.

18 (4) 4.4 Re-envision training and research to im-  
19 prove victim care and support.

20 (A) 4.4 a Establish a Defense Sexual As-  
21 sault and Sexual Harassment Center of Excel-  
22 lence that administers a core curriculum of  
23 trauma and response trainings for all SAPR  
24 VAs and SARCs, chaplains, and other response  
25 personnel.

1 (B) 4.4 b Develop training to build the ca-  
2 pacity of SARCs and SAPR VAs to provide cul-  
3 turally competent care to Service members from  
4 communities of color, LGBTQ+ Service mem-  
5 bers, religious minorities, and men.

6 (C) 4.4 c Revise and update training mod-  
7 ules on appropriate response to sexual assault  
8 and sexual harassment in PME for officers and  
9 NCOs.

10 (D) 4.4 d Use an action research model to  
11 identify root problems, test interventions, and  
12 create best practices with survivors' input.

13 **Subtitle D—Military Justice Re-**  
14 **form and Sexual Assault Pre-**  
15 **vention**

16 **PART I—MILITARY JUSTICE MATTERS**

17 **SEC. 531. SPECIAL VICTIM PROSECUTORS.**

18 (a) IN GENERAL.—Subchapter V of chapter 47 of  
19 title 10, United States Code, is amended by inserting after  
20 section 824 (article 24 of the Uniform Code of Military  
21 Justice) the following new section:

22 **“§ 824a. Art 24a. Special victim prosecutors**

23 “(a) DETAIL OF SPECIAL VICTIM PROSECUTORS AND  
24 ASSISTANT SPECIAL VICTIM PROSECUTORS.—Each Sec-  
25 retary concerned shall detail commissioned officers to

1 serve as special victim prosecutors and assistant special  
2 victim prosecutors.

3 “(b) QUALIFICATIONS.—A special victim prosecutor  
4 or assistant special victim prosecutor shall be a commis-  
5 sioned officer who—

6 “(1) is a member of the bar of a Federal court  
7 or a member of the bar of the highest court of a  
8 State; and

9 “(2) is certified to be qualified, by reason of  
10 education, training, experience, and temperament,  
11 for duty as a special victim prosecutor or assistant  
12 special victim prosecutor by the Judge Advocate  
13 General of the armed force of which the officer is a  
14 member.

15 “(c) DUTIES AND AUTHORITIES.—

16 “(1) IN GENERAL.—Special victim prosecutors  
17 and assistant special victim prosecutors shall carry  
18 out the duties described in this chapter (the Uniform  
19 Code of Military Justice) and any other duties pre-  
20 scribed by the Secretary of Defense, in consultation  
21 with the Secretary of Homeland Security (with re-  
22 spect to the Coast Guard when it is not operating  
23 as a service in the Navy), by regulation.

24 “(2) DETERMINATION OF SPECIAL VICTIM OF-  
25 FENSE; RELATED CHARGES.—

1           “(A) AUTHORITY.—A special victim pros-  
2           secutor shall have exclusive authority to deter-  
3           mine if a reported offense is a special victim of-  
4           fense and shall exercise authority over any such  
5           offense in accordance with this chapter (the  
6           Uniform Code of Military Justice).

7           “(B) RELATED OFFENSES.—If a special  
8           victim prosecutor determines that a reported of-  
9           fense is a special victim offense, the special vic-  
10          tim prosecutor may also exercise authority over  
11          any offense that the special victim prosecutor  
12          determines to be related to the special victim  
13          offense and any other offense alleged to have  
14          been committed by a person alleged to have  
15          committed the special victim offense.

16          “(3) DISMISSAL; REFERRAL; PLEA BARGAINS.—  
17          Subject to paragraph (4), with respect to charges  
18          and specifications alleging any offense over which a  
19          special victim prosecutor exercises authority, a spe-  
20          cial victim prosecutor shall have exclusive authority  
21          to, in accordance with this chapter (the Uniform  
22          Code of Military Justice)—

23                 “(A) on behalf of the Government, dismiss  
24                 the charges and specifications or make a motion  
25                 to dismiss the charges and specifications;

1           “(B) refer the charges and specifications  
2           for trial by a special or general court-martial;

3           “(C) enter into a plea agreement; and

4           “(D) determine if an ordered rehearing is  
5           impracticable.

6           “(4) DEFERRAL TO CONVENING AUTHORITY.—

7           If a special victim prosecutor exercises authority  
8           over an offense and elects not to prefer charges and  
9           specifications for such offense or, with respect to  
10          charges and specifications for such offense preferred  
11          by a person other than a special victim prosecutor,  
12          elects not to refer such charges and specifications, a  
13          convening authority may exercise any of the authori-  
14          ties of the convening authority under this chapter  
15          (the Uniform Code of Military Justice) with respect  
16          to such offense, except that the convening authority  
17          may not refer charges and specifications for a spe-  
18          cial victim offense for trial by special or general  
19          court-martial.”.

20          (b) TABLE OF SECTIONS AMENDMENT.—The table of  
21          sections at the beginning of subchapter V of chapter 47  
22          of title 10, United States Code (the Uniform Code of Mili-  
23          tary Justice), is amended by inserting after the item relat-  
24          ing to section 824 (article 24) the following new item:

“824a. Art 24a. Special victim prosecutors.”.

1 **SEC. 532. POLICIES WITH RESPECT TO SPECIAL VICTIM**  
2 **PROSECUTORS.**

3 (a) IN GENERAL.—Chapter 53 of title 10, United  
4 States Code, is amended by inserting after section 1044e  
5 the following new section:

6 **“§ 1044f. Policies with respect to special victim pros-**  
7 **ecutors**

8 “(a) POLICIES REQUIRED.—The Secretary of De-  
9 fense shall establish policies with respect to the appro-  
10 priate mechanisms and procedures that the Secretaries of  
11 the military departments shall establish and carry out re-  
12 lating to the activities of special victim prosecutors, includ-  
13 ing expected milestones for the Secretaries to fully imple-  
14 ment such mechanisms and procedures. The policies shall  
15 include the following:

16 “(1) Provide for the establishment of a dedi-  
17 cated office in the Secretariat of each military de-  
18 partment from which office the activities of the spe-  
19 cial victim prosecutors of the military services con-  
20 cerned shall be supervised and overseen.

21 “(2) Direct each Secretary of a military depart-  
22 ment to appoint one lead special victim prosecutor  
23 for each military service under the authority, direc-  
24 tion, and control of the Secretary concerned, which  
25 lead special prosecutor shall be a judge advocate of  
26 that service in a grade no lower than O-6, with sig-

1       nificant experience in military justice, who shall be  
2       responsible for the overall supervision and oversight  
3       of the activities of the special victim prosecutors of  
4       that service.

5           “(3) Direct each Secretary of a military depart-  
6       ment to designate one of the lead special victim  
7       prosecutors appointed pursuant to paragraph (2) to  
8       lead the office required to be established pursuant to  
9       paragraph (1).

10          “(4) Ensure that the office created pursuant to  
11       paragraph (1), the lead special victim prosecutors  
12       and other personnel assigned or detailed to the of-  
13       fice, and the special victim prosecutors of the mili-  
14       tary services concerned—

15           “(A) are independent of the military chains  
16       of command of both the victims and those ac-  
17       cused of special victim offenses and any other  
18       offenses over which a special victim prosecutor  
19       at any time exercises authority in accordance  
20       with section 824a of this title (article 24a of  
21       the Uniform Code of Military Justice); and

22           “(B) conduct assigned activities free from  
23       unlawful or unauthorized influence or coercion.

24          “(5) Provide that special victim prosecutors and  
25       assistant special victim prosecutors shall be well-

1 trained, experienced, highly skilled, and competent  
2 in handling special victim cases.

3 “(6) Provide that commanders of the victim  
4 and the accused in a special victim case shall have  
5 the opportunity to provide their candid input to the  
6 special victim prosecutor regarding case disposition,  
7 but that the input is not binding on the special vic-  
8 tim prosecutor.

9 “(b) UNIFORMITY.—The Secretary of Defense shall  
10 ensure that any lack of uniformity in the implementation  
11 of policies, mechanisms, and procedures established under  
12 subsection (a) does not render unconstitutional any such  
13 policy, mechanism, or procedure.

14 “(c) REPORT.—Not later than 270 days after the  
15 date of the enactment of this section, the Secretary of De-  
16 fense shall submit to the Committee on Armed Services  
17 of the Senate and the Committee on Armed Services of  
18 the House of Representatives a report setting forth the  
19 policies proposed to be established pursuant to subsection  
20 (a) and the expected roadmap and milestones for the im-  
21 plementation of such policies and the mechanisms and  
22 procedures to which they apply.

23 “(d) QUARTERLY BRIEFING.—Not later than Janu-  
24 ary 1, 2023, and at the beginning of each fiscal quarter  
25 thereafter until the policies established pursuant to sub-

1 section (a) and the mechanisms and procedures to which  
2 they apply are fully implemented and operational, the Sec-  
3 retary of Defense and the Secretaries of the military de-  
4 partments shall jointly provide to the Committee on  
5 Armed Services of the Senate and the Committee on  
6 Armed Services of the House of Representatives a briefing  
7 detailing the actions taken and progress made by the Of-  
8 fice of the Secretary of Defense and each of the military  
9 departments in meeting the milestones established as re-  
10 quired by subsection (a).”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 53 of title 10, United States  
13 Code, is amended by inserting after the item relating to  
14 section 1044e the following new item:

“1044f. Department of Defense policies with respect to special victim prosecu-  
tors.”.

15 **SEC. 533. DEFINITION OF MILITARY MAGISTRATE, SPECIAL**  
16 **VICTIM OFFENSE, AND SPECIAL VICTIM**  
17 **PROSECUTOR.**

18 Section 801 of title 10, United States Code (article  
19 1 of the Uniform Code of Military Justice), is amended—

20 (1) by inserting after paragraph (10) the fol-  
21 lowing new paragraph:

22 “(11) The term ‘military magistrate’ means a  
23 commissioned officer certified for duty as a military  
24 magistrate in accordance with section 826a of this

1 title (article 26a of the Uniform Code of Military  
2 Justice).”; and

3 (2) by adding at the end the following new  
4 paragraphs:

5 “(17) The term ‘special victim offense’ means—

6 “(A) an offense under section 917a (article  
7 117a), section 920 (article 120), section 920b  
8 (article 120b), section 920c (article 120c), sec-  
9 tion 928b (article 128b), section 930 (article  
10 130), section 932 (article 132), the standalone  
11 offense of sexual harassment punishable under  
12 section 934 (article 134), or the standalone of-  
13 fense of child pornography punishable under  
14 section 934 (article 134) of this chapter (the  
15 Uniform Code of Military Justice);

16 “(B) a conspiracy to commit an offense  
17 specified in subparagraph (A) as punishable  
18 under section 881 of this title (article 81);

19 “(C) a solicitation to commit an offense  
20 specified in subparagraph (A) as punishable  
21 under section 882 of this title (article 82); or

22 “(D) an attempt to commit an offense  
23 specified in subparagraph (A), (B), or (C) as  
24 punishable under section 880 of this title (arti-  
25 cle 80).

1           “(17) The term ‘special victim prosecutor’  
2           means a judge advocate detailed as a special victim  
3           prosecutor in accordance with section 824a of this  
4           title (article 24a of the Uniform Code of Military  
5           Justice).”.

6   **SEC. 534. CLARIFICATION OF APPLICABILITY OF DOMESTIC**  
7                   **VIOLENCE AND STALKING TO DATING PART-**  
8                   **NERS.**

9           (a) ARTICLE 128B; DOMESTIC VIOLENCE.—Section  
10          928b of title 10, United States Code (article 128b of the  
11          Uniform Code of Military Justice), is amended—

12           (1) in the matter preceding paragraph (1), by  
13           striking “Any person” and inserting “(a) IN GEN-  
14           ERAL.—Any person”;

15           (2) in subsection (a), as designated by para-  
16           graph (1) of this subsection, by inserting “a dating  
17           partner,” after “an intimate partner,” each place it  
18           appears; and

19           (3) by adding at the end the following new sub-  
20           section:

21           “(b) DEFINITIONS.—In this section (article), the  
22           terms ‘dating partner’, ‘immediate family’, and ‘intimate  
23           partner’ have the meaning given such terms in section 930  
24           of this title (article 130 of the Uniform Code of Military  
25           Justice).”.

1 (b) ARTICLE 130; STALKING.—Section 930 of such  
2 title (article 130 of the Uniform Code of Military Justice)  
3 is amended—

4 (1) in subsection (a), by striking “or to his or  
5 her intimate partner” each place it appears and in-  
6 serting “to his or her intimate partner, or to his or  
7 her dating partner”; and

8 (2) in subsection (b)—

9 (A) by redesignating paragraphs (3)  
10 through (5) as paragraphs (4) through (6), re-  
11 spectively; and

12 (B) by inserting after paragraph (2) the  
13 following new paragraph:

14 “(3) The term ‘dating partner’, in the case of  
15 a specific person, means a person who is or has been  
16 in a social relationship of a romantic or intimate na-  
17 ture with such specific person based on a consider-  
18 ation of—

19 “(A) the length of the relationship;

20 “(B) the type of relationship; and

21 “(C) the frequency of interaction between  
22 the persons involved in the relationship.”.

1 **SEC. 535. CLARIFICATION RELATING TO WHO MAY CON-**  
2 **VENE COURTS-MARTIAL.**

3       (a) GENERAL COURTS-MARTIAL.—Section 822(b) of  
4 title 10, United States Code (article 22(b) of the Uniform  
5 Code of Military Justice), is amended—

6           (1) by striking “If any” and inserting “(1) If  
7 any”; and

8           (2) by adding at the end the following new  
9 paragraph:

10       “(2) A commanding officer shall not be considered  
11 an accuser solely due to the role of the commanding officer  
12 in convening a general court-martial to which charges and  
13 specifications were referred by a special victim prosecutor  
14 in accordance with this chapter (the Uniform Code of Mili-  
15 tary Justice).”.

16       (b) SPECIAL COURTS-MARTIAL.—Section 823(b) of  
17 title 10, United States Code (article 23(b) of the Uniform  
18 Code of Military Justice), is amended—

19           (1) by striking “If any” and inserting “(1) If  
20 any”;

21           (2) by adding at the end the following new  
22 paragraph:

23       “(2) A commanding officer shall not be considered  
24 an accuser solely due to the role of the commanding officer  
25 in convening a special court-martial to which charges and  
26 specifications were referred by a special victim prosecutor

1 in accordance with this chapter (the Uniform Code of Military Justice).”.

3 **SEC. 536. INCLUSION OF SEXUAL HARASSMENT AS GENERAL PUNITIVE ARTICLE.**

5 (a) AMENDMENT TO MANUAL FOR COURTS-MARTIAL.—Not later than 30 days after the date of the enactment of this Act, the President shall amend Part IV of the Manual for Courts-Martial to include sexual harassment as a standalone offense punishable under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice).

12 (b) ELEMENTS OF OFFENSE.—The amendment to Part IV of the Manual for Courts-Martial required under subsection (a) shall include the following in the proper place and form:

16 (1) ELEMENTS.—The required elements constituting the offense of sexual harassment are as follows:

19 (A) That the accused knowingly made sexual advances, demands, or requests for sexual favors, or engaged in other conduct of a sexual nature.

23 (B) That such conduct was unwelcome.

24 (C) That under the circumstances, such conduct—

1 (i) would cause a reasonable person  
2 to, believe, and a certain person does be-  
3 lieve that submission to such conduct  
4 would be made, either explicitly or implic-  
5 itly, a term or condition of a person's job,  
6 pay, career, benefits, or entitlements;

7 (ii) would cause a reasonable person  
8 to believe, and a certain person does be-  
9 lieve that submission to, or rejection of,  
10 such conduct would be used as a basis for  
11 career or employment decisions affecting  
12 that person; or

13 (iii) was so severe, repetitive, or per-  
14 vasive, that a reasonable person would per-  
15 ceive, and a certain person does perceive,  
16 an intimidating, hostile, or offensive duty  
17 or working environment.

18 (D) That under the circumstances, the  
19 conduct of the accused was either—

20 (i) to the prejudice of good order and  
21 discipline in the Armed Forces;

22 (ii) of a nature to bring discredit upon  
23 the Armed Forces; or

24 (iii) to the prejudice of good order and  
25 discipline in the Armed Forces and of a

1 nature to bring discredit on the Armed  
2 Forces.

3 (2) SCOPE OF CONDUCT CONSIDERED SEXUAL  
4 IN NATURE.—Whether other conduct is “of a sexual  
5 nature” shall be dependent upon the circumstances  
6 of the act or acts alleged and may include conduct  
7 that, without context, would not appear to be sexual  
8 in nature.

9 (3) NATURE OF VICTIM.—For purposes of para-  
10 graph (1)(C), a “certain person” extends to any per-  
11 son, regardless of gender or seniority, or whether  
12 subject to the Uniform Code of Military Justice, who  
13 by some duty or military-related reason may work or  
14 associate with the accused.

15 (4) TIMING AND LOCATION OF ACT.—The act  
16 constituting sexual harassment can occur at any lo-  
17 cation, regardless of whether the victim or accused  
18 is on or off duty at the time of the alleged act or  
19 acts. Physical proximity is not required, and the acts  
20 may be committed through online or other electronic  
21 means.

22 (5) MENS REA.—The accused must have actual  
23 knowledge that the accused is making sexual ad-  
24 vances, demands or requests for sexual favors, or en-  
25 gaging in other conduct of a sexual nature. Actual

1 knowledge is not required for the other elements of  
2 the offense.

3 **SEC. 537. DETERMINATIONS OF IMPRACTICABILITY OF RE-**  
4 **HEARING.**

5 (a) TRANSMITTAL AND REVIEW OF RECORDS.—Sec-  
6 tion 865(e)(3)(B) of title 10, United States Code (article  
7 65(e)(3)(B) of the Uniform Code of Military Justice), is  
8 amended—

9 (1) by striking “IMPRACTICAL.—If the Judge  
10 Advocate General” and inserting the following: “IM-  
11 PRACTICABLE.—”

12 “(i) IN GENERAL.—Subject to clause (ii),  
13 if the Judge Advocate General”;

14 (2) by striking “impractical” and inserting “im-  
15 practicable”; and

16 (3) by adding at the end the following new  
17 clause:

18 “(ii) CASES REFERRED BY SPECIAL VICTIM  
19 PROSECUTOR.—If a case was referred to trial  
20 by a special victim prosecutor, a special victim  
21 prosecutor shall determine if a rehearing is im-  
22 practicable and shall dismiss the charges if the  
23 special victim prosecutor so determines.”.

24 (b) COURTS OF CRIMINAL APPEALS.—Section  
25 866(f)(1)(C) of title 10, United States Code (article

1 66(f)(1)(C) of the Uniform Code of Military Justice), is  
2 amended—

3 (1) by striking “IMPRACTICABLE.—If the Court  
4 of Criminal Appeals” and inserting the following:  
5 “IMPRACTICABLE.—

6 “(i) IN GENERAL.—Subject to clause (ii),  
7 if the Court of Criminal Appeals”; and

8 (2) by adding at the end the following new  
9 clause:

10 “(ii) CASES REFERRED BY SPECIAL VICTIM  
11 PROSECUTOR.—If a case was referred to trial  
12 by a special victim prosecutor, a special victim  
13 prosecutor shall determine if a rehearing is im-  
14 practicable and shall dismiss the charges if the  
15 special victim prosecutor so determines.”.

16 (c) REVIEW BY THE COURT OF APPEALS FOR THE  
17 ARMED FORCES.—Section 867(e) of title 10, United  
18 States Code (article 67(e) of the Uniform Code of Military  
19 Justice), is amended by adding at the end the following  
20 new sentence: “Notwithstanding the preceding sentence,  
21 if a case was referred to trial by a special victim pros-  
22 ecutor, a special victim prosecutor shall determine if a re-  
23 hearing is impracticable and shall dismiss the charges if  
24 the special victim prosecutor so determines.”.

1 (d) REVIEW BY JUDGE ADVOCATE GENERAL.—Sec-  
2 tion 869(c)(1)(D) of title 10, United States Code (article  
3 69(c)(1)(D) of the Uniform Code of Military Justice), is  
4 amended—

5 (1) by striking “If the Judge Advocate Gen-  
6 eral” and inserting “(i) Subject to clause (ii), if the  
7 Judge Advocate General”;

8 (2) by striking “impractical” and inserting “im-  
9 practicable”; and

10 (3) by adding at the end the following new  
11 clause:

12 “(ii) If a case was referred to trial by a special victim  
13 prosecutor, a special victim prosecutor shall determine if  
14 a rehearing is impracticable and shall dismiss the charges  
15 if the special victim prosecutor so determines.”.

16 **SEC. 538. PLEA AGREEMENTS.**

17 (a) AUTHORITY TO ENTER INTO AGREEMENTS.—  
18 Subsection (a) of section 853a of title 10, United States  
19 Code (article 53a of the Uniform Code of Military Jus-  
20 tice), is amended—

21 (1) in paragraph (1), by striking “At any time”  
22 and inserting “Subject to paragraph (3), at any  
23 time”; and

24 (2) by adding at the end the following new  
25 paragraph:

1           “(3) With respect to charges and specifications  
2 referred to court-martial by a special victim pro-  
3 secutor, a plea agreement under this section may only  
4 be entered into between a special victim prosecutor  
5 and the accused. Such agreement shall be subject to  
6 the same limitations and conditions applicable to  
7 other plea agreements under this section (article).”.

8           (b) BINDING EFFECT.—Subsection (d) of such sec-  
9 tion (article) is amended by inserting after “parties” the  
10 following: “(including the convening authority and the spe-  
11 cial victim prosecutor in the case of a plea agreement en-  
12 tered into under subsection of (a)(3))”.

13 **SEC. 539. OPPORTUNITY TO OBTAIN WITNESS AND OTHER**  
14 **EVIDENCE IN TRIALS BY COURT-MARTIAL.**

15           Subsection 846(d)(2) of title 10, United States Code  
16 (article 46(d)(2) of the Uniform Code of Military Justice),  
17 is amended—

18           (1) by striking “only if a general court-martial”  
19 and inserting the following: “only if—

20                   “(A) a general court-martial;”;

21           (2) in subparagraph (A), as designated by para-  
22 graph (1) of this section, by striking “a subpoena or  
23 a military judge” and inserting the following: “a  
24 subpoena;

25                   “(B) a military judge”;

1           (3) In subparagraph (B), as designated by  
2 paragraph (2), by striking the period at the end and  
3 inserting a semicolon; and

4           (4) by adding at the end the following new sub-  
5 paragraphs:

6           “(C) a special victim prosecutor issues  
7 such a subpoena; or

8           “(D) the military counsel detailed to de-  
9 fend an individual suspected or accused of an  
10 offense over which a special victim prosecutor  
11 exercises authority in accordance with section  
12 824a of this title (article 824a of the Uniform  
13 Code of Military Justice) issues such a sub-  
14 poena.”.

15 **SEC. 540. FORMER JEOPARDY.**

16       Section 844(c) of title 10, United States Code (article  
17 44(c) of the Uniform Code of Military Justice), is amend-  
18 ed—

19           (1) in paragraph (1) in the matter following  
20 subparagraph (B), by inserting “or the special vic-  
21 tim prosecutor” after “the convening authority”;  
22 and

23           (2) in paragraph (2) in the matter following  
24 subparagraph (B), by inserting “or the special vic-  
25 tim prosecutor” after “the convening authority”.

1 **SEC. 541. ADVICE TO CONVENING AUTHORITY BEFORE RE-**  
2 **FERRAL FOR TRIAL.**

3 Section 834 of title 10, United States Code (article  
4 34 of the Uniform Code of Military Justice), is amended—

5 (1) In subsection (a)(1)—

6 (A) by striking “Before referral” and in-  
7 serting “Subject to subsection (c), before refer-  
8 ral”;

9 (B) by redesignating subparagraph (C) as  
10 subparagraph (D); and

11 (C) by inserting after subparagraph (B)  
12 the following new subparagraph:

13 “(C) there is sufficient admissible evidence  
14 to obtain and sustain a conviction on the  
15 charged offense.”.

16 (2) in subsection (b), by striking “Before refer-  
17 ral” and inserting “Subject to subsection (c), before  
18 referral”;

19 (3) by redesignating subsections (c) and (d) as  
20 subsections (d) and (e) respectively;

21 (4) by inserting after subsection (b) the fol-  
22 lowing new subsection:

23 “(c) SPECIAL VICTIM OFFENSES.—A referral to a  
24 general or special court-martial for trial of charges and  
25 specifications over which a special victim prosecutor exer-  
26 cises authority may only be made—

1           “(1) by a special victim prosecutor, subject to  
2 a special victim prosecutor’s written determination  
3 accompanying the referral that—

4           “(A) each specification under a charge al-  
5 leges an offense under this chapter;

6           “(B) there is probable cause to believe that  
7 the accused committed the offense charged; and

8           “(C) there is sufficient admissible evidence  
9 to obtain and sustain a conviction on the  
10 charged offense; or

11           “(2) in the case of charges and specifications  
12 that do not allege a special victim offense and as to  
13 which a special victim prosecutor declines to prefer  
14 or, in the case of charges and specifications pre-  
15 ferred by a person other than a special victim pros-  
16 ecutor, refer charges, by the convening authority in  
17 accordance with this section.”; and

18           (5) in subsection (e), as redesignated by para-  
19 graph (3) of this section, by inserting “or, with re-  
20 spect to charges and specifications over which a spe-  
21 cial victim prosecutor exercises authority in accord-  
22 ance with section 824a of this title (article 824a of  
23 the Uniform Code of Military Justice), a special vic-  
24 tim prosecutor,” after “convening authority”.

1 **SEC. 542. PRELIMINARY HEARING.**

2 (a) DETAIL OF HEARING OFFICER; WAIVER.—Sub-  
3 section (a)(1) of section 832 of title 10, United States  
4 Code (article 32 of the Uniform Code of Military Justice),  
5 is amended—

6 (1) in subparagraph (A), by striking “hearing  
7 officer” and all that follows through the period at  
8 the end and inserting “hearing officer detailed in ac-  
9 cordance with subparagraph (C).”;

10 (2) in subparagraph (B), by striking “written  
11 waiver” and all that follows through the period at  
12 the end and inserting the following: “written waiver  
13 to—

14 “(i) except as provided in clause (ii), the  
15 convening authority and the convening author-  
16 ity determines that a hearing is not required;  
17 and

18 “(ii) with respect to charges and specifica-  
19 tions over which the special victim prosecutor is  
20 exercising authority in accordance with section  
21 824a of this title (article 24a of the Uniform  
22 Code of Military Justice), the special victim  
23 prosecutor and the special victim prosecutor de-  
24 termines that a hearing is not required.”; and

25 (3) by adding at the end the following new sub-  
26 paragraph:

1           “(C)(i) Except as provided in clause (ii),  
2           the convening authority shall detail a hearing  
3           officer.

4           “(ii) If a special victim prosecutor is exer-  
5           cising authority over the charges and specifica-  
6           tions subject to a preliminary hearing under  
7           this section (article), the special victim pros-  
8           ecutor shall request a military judge or military  
9           magistrate to serve as the hearing officer, and  
10          a military judge or military magistrate shall be  
11          provided, in accordance with regulations pre-  
12          scribed by the President.”.

13          (b) REPORT OF PRELIMINARY HEARING OFFICER.—  
14          Subsection (c) of such section is amended—

15                 (1) in the heading, by inserting “OR SPECIAL  
16          VICTIM PROSECUTOR” after “CONVENING AUTHOR-  
17          ITY”; and

18                 (2) in the matter preceding paragraph (1) by  
19          striking “to the convening authority” and inserting  
20          “to the convening authority or, in the case of a pre-  
21          liminary hearing in which the hearing officer is pro-  
22          vided at the request of a special victim prosecutor,  
23          to the special victim prosecutor,”.

1 **SEC. 543. DETAIL OF TRIAL COUNSEL.**

2 Section 827 of title 10, United States Code (article  
3 27 of the Uniform Code of Military Justice), is amended  
4 by adding at the end the following new subsection:

5 “(e)(1) For each general and special court-martial for  
6 which charges and specifications were referred by a special  
7 victim prosecutor—

8 “(A) a special victim prosecutor or an assistant  
9 special victim prosecutor shall be detailed as trial  
10 counsel;

11 “(B) a special victim prosecutor may detail a  
12 special victim prosecutor or an assistant special vic-  
13 tim prosecutor as an assistant trial counsel; and

14 “(C) a special victim prosecutor may request  
15 that a counsel other than a special victim prosecutor  
16 or assistant special victim prosecutor be detailed as  
17 an assistant trial counsel.

18 “(2) Details of counsel under this subsection shall be  
19 made in accordance with regulations prescribed by the  
20 President.”.

21 **SEC. 544. SENTENCING REFORM.**

22 (a) ARTICLE 53; FINDINGS AND SENTENCING.—Sec-  
23 tion 853 of title 10, United States Code (article 53 of the  
24 Uniform Code of Military Justice), is amended—

25 (1) in subsection (b), by amending paragraph  
26 (1) to read as follows:

1           “(1) GENERAL AND SPECIAL COURTS-MAR-  
2           TIAL.—Except as provided in subsection (c) for cap-  
3           ital offenses, if the accused is convicted of an offense  
4           in a trial by general or special court-martial, the  
5           military judge shall sentence the accused. The sen-  
6           tence determined by the military judge constitutes  
7           the sentence of the court-martial.”; and

8           (2) in subsection (c)—

9           (A) by amending paragraph (1) to read as  
10          follows:

11          “(1) IN GENERAL.—In a capital case, if the ac-  
12          cused is convicted of an offense for which the court-  
13          martial may sentence the accused to death—

14               “(A) the members shall determine—

15                   “(i) whether the sentence for that of-  
16                   fense shall be death or life in prison with-  
17                   out eligibility for parole; or

18                   “(ii) whether the matter shall be re-  
19                   turned to the military judge for determina-  
20                   tion of a lesser punishment; and

21               “(B) the military judge shall sentence the  
22               accused for that offense in accordance with the  
23               determination of the members under subpara-  
24               graph (A).”; and

1 (B) in paragraph (2), by striking “the  
2 court-martial” and inserting “the military  
3 judge”.

4 (b) ARTICLE 53A; PLEA AGREEMENTS.—Section  
5 853a of title 10, United States Code (article 53a of the  
6 Uniform Code of Military Justice), as amended by section  
7 538 of this Act, is further amended—

8 (1) by redesignating subsections (b), (c), and  
9 (d), as subsections (c), (d), and (e), respectively; and

10 (2) by inserting after subsection (a) the fol-  
11 lowing new subsection:

12 “(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject  
13 to subsection (c), the military judge of a general or special  
14 court-martial shall accept a plea agreement submitted by  
15 the parties, except that—

16 “(1) in the case of an offense with a sentencing  
17 parameter set forth in regulations prescribed by the  
18 President pursuant to section 544(e) of the National  
19 Defense Authorization Act for Fiscal Year 2022, the  
20 military judge may reject a plea agreement that pro-  
21 poses a sentence that is outside the sentencing pa-  
22 rameter if the military judge determines that the  
23 proposed sentence is plainly unreasonable; and

24 “(2) in the case of an offense for which the  
25 President has not established a sentencing param-

1           eter pursuant to section 544(e) of the National De-  
2           fense Authorization Act for Fiscal Year 2022, the  
3           military judge may reject a plea agreement that pro-  
4           poses a sentence if the military judge determines  
5           that the proposed sentence is plainly unreasonable.”.

6           (c) ARTICLE 56; SENTENCING.—Section 856 of title  
7   10, United States Code (article 56 of the Uniform Code  
8   of Military Justice), is amended—

9           (1) in subsection (c)—

10           (A) in paragraph (1)—

11           (i) in subparagraph (C)(vii), by strik-  
12           ing “and” at the end;

13           (ii) in subparagraph (D), by striking  
14           the period at the end and inserting “;  
15           and”; and

16           (iii) by adding at the end the fol-  
17           lowing new subparagraph:

18           “(E) the applicable sentencing parameters  
19           or sentencing criteria set forth in regulations  
20           prescribed by the President pursuant to section  
21           544(e) of the National Defense Authorization  
22           Act for Fiscal Year 2022.”; and

23           (B) by striking paragraphs (2) through (4)  
24           and inserting the following new paragraphs:

1           “(2) APPLICATION OF SENTENCING PARAM-  
2           ETERS IN GENERAL AND SPECIAL COURTS-MAR-  
3           TIAL.—

4                   “(A) REQUIREMENT TO SENTENCE WITHIN  
5           PARAMETERS.—Except as provided in subpara-  
6           graph (B), in a general or special court-martial  
7           in which the accused is convicted of an offense  
8           for which the President has established a sen-  
9           tencing parameter pursuant to section 544(e) of  
10          the National Defense Authorization Act for Fis-  
11          cal Year 2022, the military judge shall sentence  
12          the accused for that offense within the applica-  
13          ble parameter.

14                   “(B) EXCEPTION.—The military judge  
15          may impose a sentence outside a sentencing pa-  
16          rameter upon finding specific facts that warrant  
17          such a sentence. If the military judge imposes  
18          a sentence outside a sentencing parameter  
19          under this subparagraph, the military judge  
20          shall include in the record a written statement  
21          of the factual basis for the sentence.

22                   “(3) USE OF SENTENCING CRITERIA IN GEN-  
23          ERAL AND SPECIAL COURTS-MARTIAL.—In a general  
24          or special court-martial in which the accused is con-  
25          victed of an offense for which the President has es-

1        established sentencing criteria pursuant to section  
2        544(e) of the National Defense Authorization Act  
3        for Fiscal Year 2022, the military judge shall con-  
4        sider the applicable sentencing criteria in deter-  
5        mining the sentence for that offense.

6            “(4) OFFENSE-BASED SENTENCING IN GEN-  
7        ERAL AND SPECIAL COURTS-MARTIAL.—In announc-  
8        ing the sentence under section 853 of this title (arti-  
9        cle 53) in a general or special court-martial, the  
10       military judge shall, with respect to each offense of  
11       which the accused is found guilty, specify the term  
12       of confinement, if any, and the amount of the fine,  
13       if any. If the accused is sentenced to confinement  
14       for more than one offense, the military judge shall  
15       specify whether the terms of confinement are to run  
16       consecutively or concurrently.

17            “(5) INAPPLICABILITY TO DEATH PENALTY.—  
18        Sentencing parameters and sentencing criteria shall  
19        not apply to a determination of whether an offense  
20        should be punished by death.

21            “(6) SENTENCE OF CONFINEMENT FOR LIFE  
22        WITHOUT ELIGIBILITY FOR PAROLE.—

23            “(A) IN GENERAL.—If an offense is sub-  
24        ject to a sentence of confinement for life, a

1 court-martial may impose a sentence of confine-  
2 ment for life without eligibility for parole.

3 “(B) TERM OF CONFINEMENT.—An ac-  
4 cused who is sentenced to confinement for life  
5 without eligibility for parole shall be confined  
6 for the remainder of the accused’s life unless—

7 “(i) the sentence is set aside or other-  
8 wise modified as a result of—

9 “(I) action taken by the con-  
10 vening authority or the Secretary con-  
11 cerned; or

12 “(II) any other action taken dur-  
13 ing post-trial procedure or review  
14 under any other provision of sub-  
15 chapter IX of this chapter (the Uni-  
16 form Code of Military Justice);

17 “(ii) the sentence is set aside or other-  
18 wise modified as a result of action taken  
19 by a court of competent jurisdiction; or

20 “(iii) the accused receives a pardon or  
21 another form of Executive clemency.”; and

22 (4) in subsection (d)(1)—

23 (A) in subparagraph (A), by striking “or”  
24 at the end;

1 (B) by redesignating subparagraph (B) as  
2 subparagraph (C);

3 (C) by inserting after subparagraph (A)  
4 the following new subparagraph:

5 “(B) in the case of a sentence for an of-  
6 fense with a sentencing parameter under this  
7 section, the sentence is a result of an incorrect  
8 application of the parameter; or”; and

9 (D) in subparagraph (C), as redesignated  
10 by subparagraph (B) of this paragraph, by  
11 striking “, as determined in accordance with  
12 standards and procedures prescribed by the  
13 President”.

14 (d) ARTICLE 66; COURTS OF CRIMINAL APPEALS.—  
15 Section 866 of title 10, United States Code (article 66  
16 of the Uniform Code of Military Justice), as amended by  
17 section 537 of this Act, is further amended—

18 (1) in subsection (d)(1)(A), by striking the  
19 third sentence; and

20 (2) by amending subsection (e) to read as fol-  
21 lows:

22 “(e) CONSIDERATION OF SENTENCE.—

23 “(1) IN GENERAL.—In considering a sentence  
24 on appeal, other than as provided in section 856(e)

1 of this title (article 56(e)), the Court of Criminal  
2 Appeals may consider—

3 “(A) whether the sentence violates the law;

4 “(B) whether the sentence is inappropri-  
5 ately severe—

6 “(i) if the sentence is for an offense  
7 for which the President has not established  
8 a sentencing parameter pursuant to section  
9 544(e) of the National Defense Authoriza-  
10 tion Act for Fiscal Year 2022; or

11 “(ii) in the case of an offense for  
12 which the President has established a sen-  
13 tencing parameter pursuant to section  
14 544(e) of the National Defense Authoriza-  
15 tion Act for Fiscal Year 2022, if the sen-  
16 tence is above the upper range of such sen-  
17 tencing parameter;

18 “(C) in the case of a sentence for an of-  
19 fense for which the President has established a  
20 sentencing parameter pursuant to section  
21 544(e) of the National Defense Authorization  
22 Act for Fiscal Year 2022, whether the sentence  
23 is a result of an incorrect application of the pa-  
24 rameter;

1           “(D) whether the sentence is plainly un-  
2 reasonable; and

3           “(E) in review of a sentence to death or to  
4 life in prison without eligibility for parole deter-  
5 mined by the members in a capital case under  
6 section 853(d) of this title (article 53(d)),  
7 whether the sentence is otherwise appropriate,  
8 under rules prescribed by the President.

9           “(2) RECORD ON APPEAL.—In an appeal under  
10 this subsection or section 856(e) of this title (article  
11 56(e)), other than review under subsection (b)(2),  
12 the record on appeal shall consist of—

13           “(A) any portion of the record in the case  
14 that is designated as pertinent by any party;

15           “(B) the information submitted during the  
16 sentencing proceeding; and

17           “(C) any information required by rule or  
18 order of the Court of Criminal Appeals.”.

19           (e) ESTABLISHMENT OF SENTENCING PARAMETERS  
20 AND SENTENCING CRITERIA.—

21           (1) IN GENERAL.—Not later than two years  
22 after the date of the enactment of this Act, the  
23 President shall prescribe regulations establishing  
24 sentencing parameters and sentencing criteria re-  
25 lated to offenses under chapter 47 of title 10,

1 United States Code (the Uniform Code of Military  
2 Justice), in accordance with this subsection. Such  
3 parameters and criteria—

4 (A) shall cover sentences of confinement;  
5 and

6 (B) may cover lesser punishments, as the  
7 President determines appropriate.

8 (2) SENTENCING PARAMETERS.—Sentencing  
9 parameters established under paragraph (1) shall—

10 (A) identify a delineated sentencing range  
11 for an offense that is appropriate for a typical  
12 violation of the offense, taking into consider-  
13 ation—

14 (i) the severity of the offense;

15 (ii) the guideline or offense category  
16 that would apply to the offense if the of-  
17 fense were tried in a United States district  
18 court;

19 (iii) any military-specific sentencing  
20 factors; and

21 (iv) the need for the sentencing pa-  
22 rameter to be sufficiently broad to allow  
23 for individualized consideration of the of-  
24 fense and the accused;

1 (B) include no fewer than 5 and no more  
2 than 12 offense categories;

3 (C) assign such offense under this chapter  
4 to an offense category unless the offense is  
5 identified as unsuitable for sentencing param-  
6 eters under paragraph (4)(F)(ii); and

7 (D) delineate the confinement range for  
8 each offense category by setting an upper con-  
9 finement limit and a lower confinement limit.

10 (3) SENTENCING CRITERIA.—Sentencing cri-  
11 teria established under paragraph (1) shall identify  
12 offense-specific factors the military judge should  
13 consider and any collateral effects of available pun-  
14 ishments that may aid the military judge in deter-  
15 mining an appropriate sentence when there is no ap-  
16 plicable sentencing parameter for a specific offense.

17 (4) MILITARY SENTENCING PARAMETERS AND  
18 CRITERIA BOARD.—

19 (A) IN GENERAL.—There is established  
20 within the Department of Defense a board, to  
21 be known as the “Military Sentencing Param-  
22 eters and Criteria Board” (referred to in this  
23 subsection as the “Board”).

24 (B) VOTING MEMBERS.—The Board shall  
25 have 5 voting members, as follows:

1 (i) The 4 chief trial judges designated  
2 under section 826(g) of title 10, United  
3 States Code (article 26(g) of the Uniform  
4 Code of Military Justice), except that, if  
5 the chief trial judge of the Coast Guard is  
6 not available, the Judge Advocate General  
7 of the Coast Guard may designate as a  
8 voting member a judge advocate of the  
9 Coast Guard with substantial military jus-  
10 tice experience.

11 (ii) A trial judge of the Navy, des-  
12 ignated under regulations prescribed by  
13 the President, if the chief trial judges des-  
14 ignated under section 826(g) of title 10,  
15 United States Code (article 26(g) of the  
16 Uniform Code of Military Justice), do not  
17 include a trial judge of the Navy.

18 (iii) A trial judge of the Marine  
19 Corps, designated under regulations pre-  
20 scribed by the President, if the chief trial  
21 judges designated under section 826(g) of  
22 title 10, United States Code (article 26(g)  
23 of the Uniform Code of Military Justice),  
24 do not include a trial judge of the Marine  
25 Corps.

1           (C) NONVOTING MEMBERS.—The Chief  
2           Judge of the Court of Appeals for the Armed  
3           Forces, the Chairman of the Joint Chiefs of  
4           Staff, and the General Counsel of the Depart-  
5           ment of Defense shall each designate one non-  
6           voting member of the Board. The Secretary of  
7           Defense may appoint one additional nonvoting  
8           member of the Board at the Secretary’s discre-  
9           tion.

10          (D) CHAIR AND VICE-CHAIR.—The Sec-  
11          retary of Defense shall designate one voting  
12          member as chair of the Board and one voting  
13          member as vice-chair.

14          (E) VOTING REQUIREMENT.—An affirma-  
15          tive vote of at least three members is required  
16          for any action of the Board under this sub-  
17          section.

18          (F) DUTIES OF BOARD.—The Board shall  
19          have the following duties:

20                 (i) As directed by the Secretary of De-  
21                 fense, the Board shall submit to the Presi-  
22                 dent for approval—

23                         (I) sentencing parameters for all  
24                         offenses under chapter 47 of title 10,  
25                         United States Code (the Uniform

1 Code of Military Justice), (other than  
2 offenses that the Board identifies as  
3 unsuitable for sentencing parameters  
4 in accordance with clause (ii)); and

5 (II) sentencing criteria to be used  
6 by military judges in determining ap-  
7 propriate sentences for offenses that  
8 are identified as unsuitable for sen-  
9 tencing parameters in accordance with  
10 clause (ii).

11 (ii) Identify each offense under chap-  
12 ter 47 of title 10, United States Code (the  
13 Uniform Code of Military Justice), that is  
14 unsuitable for sentencing parameters. The  
15 Board shall identify an offense as unsuit-  
16 able for sentencing parameters if—

17 (I) the nature of the offense is  
18 indeterminate and unsuitable for cat-  
19 egorization; and

20 (II) there is no similar criminal  
21 offense under the laws of the United  
22 States or the laws of the District of  
23 Columbia.

24 (iii) In developing sentencing param-  
25 eters and criteria, the Board shall consider

1 the sentencing data collected by the Mili-  
2 tary Justice Review Panel pursuant to sec-  
3 tion 946(f)(2) of title 10, United States  
4 Code (article 146(f)(2) of the Uniform  
5 Code of Military Justice).

6 (iv) In addition to establishing param-  
7 eters for sentences of confinement under  
8 clause (i)(I), the Board shall consider the  
9 appropriateness of establishing sentencing  
10 parameters for punitive discharges, fines,  
11 reductions, forfeitures, and other lesser  
12 punishments authorized under chapter 47  
13 of title 10, United States Code (the Uni-  
14 form Code of Military Justice).

15 (v) The Board shall regularly—

16 (I) review, and propose revision  
17 to, in consideration of comments and  
18 data coming to the Board's attention,  
19 the sentencing parameters and sen-  
20 tencing criteria prescribed under para-  
21 graph (1); and

22 (II) submit to the President,  
23 through the Secretary of Defense,  
24 proposed amendments to the sen-  
25 tencing parameters and sentencing

1 criteria, together with statements ex-  
2 plaining the basis for the proposed  
3 amendments.

4 (vi) The Board shall develop means of  
5 measuring the degree to which applicable  
6 sentencing, penal, and correctional prac-  
7 tices are effective with respect to the sen-  
8 tencing factors and policies set forth in  
9 this section.

10 (vii) In fulfilling its duties and in ex-  
11 ercising its powers, the Board shall consult  
12 authorities on, and individual and institu-  
13 tional representatives of, various aspects of  
14 the military criminal justice system. The  
15 Board may establish separate advisory  
16 groups consisting of individuals with cur-  
17 rent or recent experience in command and  
18 in senior enlisted positions, individuals  
19 with experience in the trial of courts-mar-  
20 tial, and such other groups as the Board  
21 deems appropriate.

22 (viii) The Board shall submit to the  
23 President, through the Secretary of De-  
24 fense, proposed amendments to the rules  
25 for courts-martial with respect to sen-

1                   tencing proceedings and maximum punish-  
2                   ments, together with statements explaining  
3                   the basis for the proposed amendments.

4 **SEC. 545. UNIFORM, DOCUMENT-BASED DATA SYSTEM.**

5       (a) IN GENERAL.—The Secretary of Defense shall—

6           (1) establish a single mechanism and process  
7           into and through which records, data, and informa-  
8           tion shall be collected, tracked, and maintained re-  
9           garding the reporting, investigation, processing, ad-  
10          judication, and final disposition of all offenses under  
11          the Uniform Code of Military Justice arising in any  
12          component of the Department of Defense;

13          (2) prescribe uniform data points, definitions,  
14          standards, and criteria applicable to all components  
15          of the Department of Defense, for the entry of  
16          records, data, and information in and through the  
17          single mechanism and process required by paragraph  
18          (1);

19          (3) ensure the security of the single mechanism  
20          and process and the records, data, and information  
21          maintained therein, with a particular emphasis on  
22          the security of classified information, personally  
23          identifiable information, protected health informa-  
24          tion, information that is subject to a judicial protec-  
25          tive order or that has been placed under seal by ap-

1       appropriate authority, and other information of a sen-  
2       sitive nature, as determined by the Secretary;

3           (4) authorize access to the single mechanism  
4       and process and the records, data, and information  
5       maintained therein to appropriately cleared per-  
6       sonnel of a component of the Department of Defense  
7       and such other persons as the Secretary of Defense  
8       may determine, each of whom shall have a dem-  
9       onstrated need for such access derived from the offi-  
10      cial business of the Department of Defense;

11          (5) maintain indefinitely all records, data, and  
12      information collected in and through the single  
13      mechanism and process; and

14          (6) analyze the records, data, and information  
15      maintained in and through the single mechanism  
16      and process—

17           (A) to promote the effective management  
18      and timeliness of the investigation, processing,  
19      adjudication, and disposition of offenses under  
20      chapter 47 of title 10, United States Code (the  
21      Uniform Code of Military Justice);

22           (B) to ascertain the effects of the changes  
23      in law and policy required under this part and  
24      the amendments made by this part on the pre-  
25      vention of and response to offenses over which

1 a special victim prosecutor at any time exercises  
2 authority in accordance with section 824a of  
3 this title (article 24a of the Uniform Code of  
4 Military Justice);

5 (C) to inform and improve the policies,  
6 processes, reporting, and decision-making of the  
7 Department of Defense;

8 (D) to enhance the quality of periodic re-  
9 views required by law, including under section  
10 946 of this title (article 146 of the Uniform  
11 Code of Military Justice);

12 (E) to enhance the quality of reports and  
13 briefings to Congress and the Committee on  
14 Armed Forces of the Senate and the Committee  
15 on Armed Forces of the House of Representa-  
16 tives, including those required by section 532 of  
17 the National Defense Authorization Act for Fis-  
18 cal year 2007 (Public Law 109–364); section  
19 1361 of the National Defense Authorization Act  
20 for Fiscal Year 2011 (Public Law 111–383), as  
21 amended by section 575 of the National De-  
22 fense Authorization Act for Fiscal Year 2013  
23 (Public Law 112–239), section 542 of the Na-  
24 tional Defense Authorization Act for Fiscal  
25 Year 2015 (Public Law 113–291), sections 543

1 and 544 of the National Defense Authorization  
2 Act for Fiscal Year 2017 (Public Law 114–  
3 328), sections 537 and 538 of the National De-  
4 fense Authorization Act for Fiscal Year 2018  
5 (Public Law 115–91), and section 537 of the  
6 National Defense Authorization Act for Fiscal  
7 Year 2021 (Public Law 116–283); section 574  
8 of the National Defense Authorization Act for  
9 Fiscal Year 2017 (Public law 114–328); and  
10 section 539C of the National Defense Author-  
11 ization Act for Fiscal Year 2021 (Public Law  
12 116–283); and

13 (F) for such other purposes as the Sec-  
14 retary of Defense may prescribe.

15 (b) INFORMATION INCLUDED.—The records, data,  
16 and information collected, tracked, and maintained in the  
17 single mechanism and process required under subsection  
18 (a) shall include—

19 (1) the data points and uniform definitions set  
20 forth in memoranda of the General Counsel of the  
21 Department of Defense entitled “Uniform Standards  
22 and Criteria Required by Article 140a, Uniform  
23 Code of Military Justice”, dated December 17,  
24 2018, and “Recording Court-Martial Demographic

1 Information”, dated June 3, 2020, and the Appen-  
2 dices thereto, expanded to include—

3 (A) the progress of an offense under the  
4 Uniform Code of Military Justice through each  
5 stage of the investigative process, including a  
6 summary of the initial complaint giving rise to  
7 an inquiry or investigation by a military law en-  
8 forcement, security, or intelligence organization  
9 or military criminal investigative organization, a  
10 description of how the complaint became known  
11 to such organization, and any referral to or  
12 from civilian law enforcement or investigative  
13 authorities;

14 (B) demographic data pertaining to each  
15 victim and accused, including age, race, eth-  
16 nicity, sex, and rank, as applicable, together  
17 with the nature of the relationship, if any, be-  
18 tween a victim and an accused;

19 (C) any action taken relative to a service  
20 member suspected or accused of an offense  
21 under the Uniform Code of Military Justice  
22 through each stage of such action from initi-  
23 ation to final disposition, and appeal, if any, in-  
24 cluding—

25 (i) a decision to take no action;

1 (ii) trial by court-martial or other ju-  
2 dicial process;

3 (iii) non-judicial punishment under  
4 section 815 of title 10, United States Code  
5 (article 15 of the Uniform Code of Military  
6 Justice); and

7 (iv) adverse or corrective administra-  
8 tive action; and

9 (D) the age, race, ethnicity, sex, and rank,  
10 as applicable, of any person who took an action  
11 documented pursuant to subparagraph (C);

12 (2) the date on which each key action or deci-  
13 sion relative to the offense occurred or was made;

14 (3) a true copy of each source document or  
15 record relating to the reporting, investigation, proc-  
16 essing, adjudication, and disposition of each offense;  
17 and

18 (4) any other record, data, or information as  
19 prescribed by the Secretary of Defense.

20 (c) DEADLINE.—The single mechanism and process  
21 required under subsection (a) shall be fully operational by  
22 the effective date specified in section 552 and will be used  
23 to collect, track, and maintain records, data, and informa-  
24 tion about the reporting, investigation, processing, adju-  
25 dication, and final disposition of each offense under the

1 Uniform Code of Military Justice that occurs after that  
2 date.

3 (d) DEFINITIONS.—In this section:

4 (1) SINGLE MECHANISM AND PROCESS.—

5 (A) IN GENERAL.—The term “single mech-  
6 anism and process” is defined as a database,  
7 tracking system, or other mechanism and proc-  
8 ess established by the Secretary of Defense, in  
9 which records, data, and information relative to  
10 an offense under chapter 47 of title 10, United  
11 States Code (the Uniform Code of Military Jus-  
12 tice) arising in any component of the Depart-  
13 ment of Defense are consolidated.

14 (B) RULE OF CONSTRUCTION.—Nothing in  
15 this section shall be construed to prohibit a  
16 component of the Department of Defense from  
17 creating and maintaining a separate mechanism  
18 or process for purposes similar to those de-  
19 scribed under subparagraph (A), provided that  
20 all requisite records, data, and information are  
21 primarily collected and tracked in the “single  
22 mechanism and process” required.

23 (2) RACE AND ETHNICITY.—For purposes of  
24 ensuring the collection of uniform data points con-  
25 cerning race and ethnicity, the terms “race” and

1 “ethnicity” shall have the meanings established for  
2 the terms by the Office of Management and Budget  
3 Statistical Policy Directive No. 15, Race and Ethnic  
4 Standards for Federal Statistics and Administrative  
5 Reporting, or any successor Office of Management  
6 and Budget directive.

7 **SEC. 546. PRIMARY PREVENTION WORKFORCE.**

8 (a) ESTABLISHMENT.—The Secretary of Defense  
9 shall establish a Primary Prevention Workforce to provide  
10 a comprehensive and integrated program across the De-  
11 partment of Defense enterprise for the primary prevention  
12 of interpersonal and self-directed violence, including sex-  
13 ual assault, sexual harassment, domestic violence, child  
14 abuse and maltreatment, problematic juvenile sexual be-  
15 havior, suicide, workplace violence, and substance misuse.

16 (b) PRIMARY PREVENTION WORKFORCE MODEL.—

17 (1) IN GENERAL.—Not later than 180 days  
18 after the date of the enactment of this Act, the Sec-  
19 retary of Defense shall submit to the Committee on  
20 Armed Services of the Senate and the Committee on  
21 Armed Services of the House of Representatives a  
22 report setting forth a holistic model for a dedicated  
23 and capable Primary Prevention Workforce in the  
24 Department of Defense.

1           (2) ELEMENTS.—The model required under  
2 paragraph (1) shall include the following elements:

3           (A) A description of Primary Prevention  
4 Workforce roles, responsibilities, and capabili-  
5 ties, including—

6                   (i) the conduct of research and anal-  
7 ysis;

8                   (ii) advising all levels of military com-  
9 manders and leaders;

10                   (iii) designing and writing strategic  
11 and operational primary prevention policies  
12 and programs;

13                   (iv) integrating and analyzing data;  
14 and

15                   (v) implementing, evaluating, and  
16 adapting primary prevention programs and  
17 activities.

18           (B) The design and structure of the Pri-  
19 mary Prevention Workforce, including—

20                   (i) consideration of military, civilian,  
21 and hybrid manpower options;

22                   (ii) the comprehensive integration of  
23 the workforce from strategic to tactical lev-  
24 els of the Department of Defense and its  
25 components; and

1 (iii) mechanisms for individuals in  
2 workforce roles to report to and align with  
3 installation-level and headquarters per-  
4 sonnel.

5 (C) Strategies, plans, and systematic ap-  
6 proaches for recruiting, credentialing, pro-  
7 moting, and sustaining the diversity of work  
8 force roles comprising a professional workforce  
9 dedicated to primary prevention.

10 (D) The creation of a professional, primary  
11 prevention credential that standardizes a com-  
12 mon base of education and experience across  
13 the prevention workforce, coupled with knowl-  
14 edge development and skill building require-  
15 ments built into the career cycle of prevention  
16 practitioners such that competencies and exper-  
17 tise increase over time.

18 (E) Any other matter the Secretary of De-  
19 fense determines necessary and appropriate to  
20 presenting an accurate and complete model of  
21 the Primary Prevention Workforce.

22 (c) REPORTS.—

23 (1) IN GENERAL.—Not later than one year  
24 after the date of the enactment of this Act, the Sec-  
25 retaries of the military departments and the Chief of

1 the National Guard Bureau each shall submit to the  
2 Committee on Armed Services of the Senate and the  
3 Committee on Armed Services of the House of Rep-  
4 resentatives a report detailing how the military serv-  
5 ices and the National Guard, as applicable, will  
6 adapt and implement the primary prevention work-  
7 force model set forth in the report required under  
8 subsection (b).

9 (2) ELEMENTS.—Each report submitted under  
10 subsection (a) shall include a description of—

11 (A) expected milestones to implement the  
12 prevention workforce in the component at issue;

13 (B) challenges associated with implementa-  
14 tion of the workforce and the strategies for ad-  
15 dressing such challenges; and

16 (C) additional authorities that may be re-  
17 quired to optimize implementation and oper-  
18 ation of the workforce.

19 (d) OPERATING CAPABILITY DEADLINE.—The Pri-  
20 mary Prevention Workforce authorized under this section  
21 shall attain initial operating capability in each military de-  
22 partment and military service and in the National Guard  
23 by not later than the effective date specified in section  
24 552.

1 **SEC. 547. ANNUAL PRIMARY PREVENTION RESEARCH**  
2 **AGENDA.**

3 (a) IN GENERAL.—Beginning on October 1, 2022,  
4 and annually, on the first day of each fiscal year there-  
5 after, the Secretary of Defense shall publish a Department  
6 of Defense research agenda for that fiscal year, focused  
7 on the primary prevention of interpersonal and self-di-  
8 rected violence, including sexual assault, sexual harass-  
9 ment, domestic violence, child abuse and maltreatment,  
10 problematic juvenile sexual behavior, suicide, workplace vi-  
11 olence, and substance misuse.

12 (b) ELEMENTS.—Each annual primary prevention re-  
13 search agenda published under subsection (a) shall—

14 (1) identify research priorities for that fiscal  
15 year;

16 (2) assign research projects and tasks to the  
17 military departments and other components of the  
18 Department of Defense, as the Secretary of Defense  
19 determines appropriate;

20 (3) allocate or direct the allocation of appro-  
21 priate resourcing for each such project and task; and

22 (4) be directive in nature and enforceable  
23 across all components of the Department of Defense,  
24 including with regard to—

25 (A) providing for timely access to records,  
26 data and information maintained by any compo-

1           ment of the Department of Defense that may be  
2           required in furtherance of an assigned research  
3           project or task;

4                   (B) ensuring the sharing across all compo-  
5           nents of the Department of Defense of the find-  
6           ings and the outcomes of any research project  
7           or task; and

8                   (C) any other matter determined by the  
9           Secretary of Defense.

10       (c) GUIDING PRINCIPLES.—The primary prevention  
11       research agenda should, as determined by the Secretary  
12       of Defense—

13           (1) reflect a preference for research projects  
14           and tasks with the potential to yield or contribute to  
15           the development and implementation of actionable  
16           primary prevention strategies in the Department of  
17           Defense;

18           (2) be integrated, so as to discover or test  
19           cross-cutting interventions across the spectrum of  
20           interpersonal and self-directed violence;

21           (3) incorporate collaboration with other Federal  
22           departments and agencies, State governments, aca-  
23           demia, industry, federally funded research and devel-  
24           opment centers, non-profit organizations, and other

1 organizations outside of the Department of Defense;  
2 and

3 (4) minimize unnecessary duplication of effort.

4 (d) BUDGETING.—The Secretary of Defense shall  
5 create a unique Program Element for and shall prioritize  
6 recurring funding to ensure the continuity of research pur-  
7 suant to the annual primary prevention research agenda.

8 **SEC. 548. FULL FUNCTIONALITY OF CERTAIN ADVISORY**  
9 **COMMITTEES AND PANELS.**

10 Not later than 30 days after the date of the enact-  
11 ment of this Act, the Secretary of Defense shall establish  
12 or reconstitute, maintain, and ensure the full functionality  
13 of—

14 (1) the Defense Advisory Committee on the In-  
15 vestigation, Prosecution, and Defense of sexual as-  
16 sault in the Armed Forces, established pursuant to  
17 section 546 of the Carl Levin and Howard P.  
18 “Buck” McKeon National Defense Authorization  
19 Act for Fiscal Year 2015 (Public Law 113–291; 10  
20 U.S.C. 1561 note);

21 (2) the Defense Advisory Committee for the  
22 Prevention of Sexual Misconduct, established pursu-  
23 ant to section 552 of the National Defense Author-  
24 ization Act for Fiscal Year 2020 (Public Law 116–  
25 92; 10 U.S.C. 1561 note); and

1           (3) the Military Justice Review Panel estab-  
2           lished pursuant to section 946 of title 10, United  
3           States Code (article 146 of the Uniform Code of  
4           Military Justice)).

5 **SEC. 549. MILITARY DEFENSE COUNSEL PARITY.**

6           The Secretary of Defense shall—

7           (1) direct the Secretaries of the military depart-  
8           ments to establish the funding, mechanisms, and  
9           processes required for service military defense coun-  
10          sel to exercise control of their own funds, beginning  
11          not later than one year after the date of the enact-  
12          ment of this Act;

13          (2) ensure that military defense counsel have  
14          timely and reliable access to and funding for defense  
15          investigators, expert witnesses, trial support, counsel  
16          travel, and other necessary resources;

17          (3) ensure that military defense counsel detailed  
18          to represent a servicemember accused of a special  
19          victim offense are well-trained and experienced,  
20          highly skilled, and competent in the defense of spe-  
21          cial victim cases; and

22          (4) take or direct such other actions regarding  
23          military defense counsel as may be warranted in the  
24          interest of the fair administration of justice.

1 **SEC. 550. RESOURCING.**

2 (a) REPORT REQUIRED.—Not later than March 1,  
3 2022, the Secretary of Defense, shall submit to the Com-  
4 mittee on Armed Services of the Senate and the Com-  
5 mittee on Armed Services of the House of Representatives  
6 a report detailing the resourcing necessary to implement  
7 this part and the amendments made by this part.

8 (b) ELEMENTS.—The report required under sub-  
9 section (a) shall include the following elements:

10 (1) The number of additional personnel and  
11 personnel authorizations—military and civilian—re-  
12 quired by the Office of the Secretary of Defense,  
13 each of the military departments, and any other  
14 component of the Department of Defense, to imple-  
15 ment and execute the provisions of this part and the  
16 amendments made by this part by the effective date  
17 specified in section 552.

18 (2) The basis for the number provided pursuant  
19 to paragraph (1), including the following: informa-  
20 tion

21 (A) A description of the organizational  
22 structure in which such personnel or groups of  
23 personnel are or will be aligned.

24 (B) The nature of the duties and functions  
25 to be performed by any such personnel or  
26 groups of personnel across the domains of pol-

1            icy-making, execution, assessment, and over-  
2            sight.

3            (C) The optimum caseload goal assigned to  
4            the following categories of personnel who are or  
5            will participate in the military justice process:  
6            criminal investigators of different levels and ex-  
7            pertise, laboratory personnel, defense counsel,  
8            special victim prosecutors and assistant special  
9            victim prosecutors, military defense counsel,  
10          military judges, and military magistrates.

11          (D) Any required increase in the number  
12          of personnel currently authorized in law to be  
13          assigned to the Office of the Secretary of De-  
14          fense and other Department of Defense head-  
15          quarters.

16          (3) The nature and scope of any contract re-  
17          quired by the Office of the Secretary of Defense,  
18          each of the military departments, and any other  
19          component of the Department of Defense to imple-  
20          ment and execute the provisions of this part and the  
21          amendments made by this part by the effective date  
22          specified in section 552.

23          (4) The amount and types of additional funding  
24          required by the Department of Defense to imple-  
25          ment the provisions of this part and the amend-



1 (b) REGULATIONS.—

2 (1) REQUIREMENT.—The President shall pre-  
3 scribe regulations to carry out this part, including  
4 the regulations setting forth the sentencing param-  
5 eters and guidelines required under section 544(e),  
6 and the amendments made by this part not later  
7 than two years after the date of the enactment of  
8 this Act.

9 (2) IMPACT OF DELAY OF ISSUANCE.—If the  
10 President does not prescribe regulations to carry out  
11 this part, including the regulations setting forth the  
12 sentencing parameters and guidelines required under  
13 section 544(e), before the date that is two years  
14 after the date of the enactment of this Act, the  
15 amendments made by this part shall take effect on  
16 the date on which such regulations are prescribed  
17 and shall apply with respect to offenses that occur  
18 on or after that date.

19 **PART II—MILITARY JUSTICE IMPROVEMENT AND**  
20 **INCREASING PREVENTION**

21 **SEC. 561. SHORT TITLE.**

22 This part may be cited as the “Military Justice Im-  
23 provement and Increasing Prevention Act of 2021”.

1 **SEC. 562. IMPROVEMENT OF DETERMINATIONS ON DIS-**  
2 **POSITION OF CHARGES FOR CERTAIN OF-**  
3 **FENSES UNDER UCMJ WITH AUTHORIZED**  
4 **MAXIMUM SENTENCE OF CONFINEMENT OF**  
5 **MORE THAN ONE YEAR.**

6 (a) IMPROVEMENT OF DETERMINATIONS.—

7 (1) MILITARY DEPARTMENTS.—With respect to  
8 charges under chapter 47 of title 10, United States  
9 Code (the Uniform Code of Military Justice), that  
10 allege an offense specified in subsection (b) and not  
11 excluded under subsection (c), the Secretary of De-  
12 fense shall require the Secretaries of the military de-  
13 partments to provide as described in subsection (d)  
14 for the determinations as follows:

15 (A) Determinations under section 830 of  
16 such chapter (article 30 of the Uniform Code of  
17 Military Justice) on the preferral of charges.

18 (B) Determinations under section 830 of  
19 such chapter (article 30 of the Uniform Code of  
20 Military Justice) on the disposition of charges.

21 (C) Determinations under section 834 of  
22 such chapter (article 34 of the Uniform Code of  
23 Military Justice) on the referral of charges.

24 (2) HOMELAND SECURITY.—With respect to  
25 charges under chapter 47 of title 10, United States  
26 Code (the Uniform Code of Military Justice), that

1       allege an offense specified in subsection (b) and not  
2       excluded under subsection (c) against a member of  
3       the Coast Guard (when it is not operating as a serv-  
4       ice in the Navy), the Secretary of Homeland Secu-  
5       rity shall provide as described in subsection (d) for  
6       the determinations as follows:

7               (A) Determinations under section 830 of  
8               such chapter (article 30 of the Uniform Code of  
9               Military Justice) on the preferral of charges.

10              (B) Determinations under section 830 of  
11              such chapter (article 30 of the Uniform Code of  
12              Military Justice) on the disposition of charges.

13              (C) Determinations under section 834 of  
14              such chapter (article 34 of the Uniform Code of  
15              Military Justice) on the referral of charges.

16              (3) RULE OF CONSTRUCTION.—This section  
17              shall not be construed to terminate or otherwise  
18              alter the authorities enumerated in any articles of  
19              the Uniform Code of Military Justice other than ar-  
20              ticles 30 and 34 (10 U.S.C. 830, 834).

21              (b) COVERED OFFENSES.—An offense specified in  
22              this subsection is an offense as follows:

23                   (1)(A) Offenses under the following sections of  
24                   chapter 47 of title 10, United States Code (the Uni-  
25                   form Code of Military Justice), for which the max-

1 imum punishment authorized under that chapter in-  
2 cludes confinement for more than one year: sections  
3 893a, 917a, 918, 919, 919a, 919b, 920, 920a, 920b,  
4 920c, 921, 921a, 921b, 922, 924, 924a, 924b, 925,  
5 926, 927, 928(b) and (c), 928a, 928b, 930, 931,  
6 931a, 931b, 931c, 931d, 931e, 931f, 931g, and 932  
7 (articles 93a, 117a, 118, 119, 119a, 119b, 120,  
8 120a, 120b, 120c, 121, 121a, 121b, 122, 124, 124a,  
9 124b, 125, 126, 127, 128(b) and (c), 128a, 128b,  
10 130, 131, 131a, 131b, 131c, 131d, 131e, 131f,  
11 131g, and 132, respectively, of the Uniform Code of  
12 Military Justice).

13 (B) The offenses of child pornography, neg-  
14 ligent homicide, indecent conduct, indecent language  
15 communicated to any child under the age of 16  
16 years, and pandering and prostitution, as punishable  
17 under the general punitive article in 934 of such  
18 title (article 134 of the Uniform Code of Military  
19 Justice).

20 (2) A conspiracy to commit an offense specified  
21 in paragraph (1) as punishable under section 881 of  
22 title 10, United States Code (article 81 of the Uni-  
23 form Code of Military Justice).

24 (3) A solicitation to commit an offense specified  
25 in paragraph (1) as punishable under section 882 of

1 title 10, United States Code (article 82 of the Uni-  
2 form Code of Military Justice).

3 (4) An attempt to commit an offense specified  
4 in paragraph (1) as punishable under section 880 of  
5 title 10, United States Code (article 80 of the Uni-  
6 form Code of Military Justice).

7 (c) EXCLUDED OFFENSES.—Subsection (a) does not  
8 apply to an offense as follows:

9 (1) An offense under sections 883 through 917  
10 of title 10, United States Code (articles 83 through  
11 117 of the Uniform Code of Military Justice), but  
12 not an offense under section 893a of such title (arti-  
13 cle 93a of the Uniform Code of Military Justice).

14 (2) An offense under section 922a, 923, 923a,  
15 or 928(a) of title 10, United States Code (articles  
16 122a, 123, 123a, and 128(a) of the Uniform Code  
17 of Military Justice).

18 (3) An offense under section 933 or 934 of title  
19 10, United States Code (articles 133 and 134 of the  
20 Uniform Code of Military Justice), but not the of-  
21 fense of child pornography, negligent homicide, inde-  
22 cent conduct, indecent language communicated to  
23 any child under the age of 16 years, or pandering  
24 and prostitution as punishable under the general pu-

1           nitive article in section 934 of such title (article 134  
2           of the Uniform Code of Military Justice).

3           (4) A conspiracy to commit an offense specified  
4           in paragraphs (1) through (3) as punishable under  
5           section 881 of title 10, United States Code (article  
6           81 of the Uniform Code of Military Justice).

7           (5) A solicitation to commit an offense specified  
8           in paragraphs (1) through (3) as punishable under  
9           section 882 of title 10, United States Code (article  
10          82 of the Uniform Code of Military Justice).

11          (6) An attempt to commit an offense specified  
12          in paragraphs (1) through (3) as punishable under  
13          section 880 of title 10, United States Code (article  
14          80 of the Uniform Code of Military Justice).

15          (d) REQUIREMENTS AND LIMITATIONS.—The dis-  
16          position of charges covered by subsection (a) shall be sub-  
17          ject to the following:

18               (1) The determination whether to cause charges  
19               to be preferred or refer such charges to a court-mar-  
20               tial for trial, as applicable, shall be made by a com-  
21               missioned officer of the Armed Forces designated as  
22               a court-martial convening authority in accordance  
23               with regulations prescribed for purposes of this sub-  
24               section from among commissioned officers of the  
25               Armed Forces in grade O-6 or higher who—

1           (A) are available for detail as trial counsel  
2           under section 827 of title 10, United States  
3           Code (article 27 of the Uniform Code of Military  
4           Justice);

5           (B) have significant experience in trials by  
6           general or special court-martial; and

7           (C) are outside the chain of command of  
8           the member subject to such charges.

9           (2) Upon a determination under paragraph (1)  
10          to refer charges to a court-martial for trial, the offi-  
11          cer making that determination shall determine  
12          whether to refer such charges for trial by a general  
13          court-martial convened under section 822 of title 10,  
14          United States Code (article 22 of the Uniform Code  
15          of Military Justice), or a special court-martial con-  
16          vened under section 823 of title 10, United States  
17          Code (article 23 of the Uniform Code of Military  
18          Justice).

19          (3) A determination under paragraph (1) to  
20          cause charges to be preferred or refer charges to a  
21          court-martial for trial, as applicable, shall cover all  
22          known offenses, including lesser included offenses.

23          (4) The determination to cause charges to be  
24          preferred or refer charges to a court-martial for  
25          trial, as applicable, under paragraph (1), and the

1 type of court-martial to which to refer under para-  
2 graph (2), shall be binding on any applicable con-  
3 vening authority for the referral of such charges.

4 (5) The actions of an officer described in para-  
5 graph (1) in determining under that paragraph  
6 whether or not to cause charges to be preferred or  
7 refer charges to a court-martial for trial, as applica-  
8 ble, shall be free of unlawful or unauthorized influ-  
9 ence or coercion.

10 (6) The determination under paragraph (1) not  
11 to refer charges to a general or special court-martial  
12 for trial shall not operate to terminate or otherwise  
13 alter the authority of commanding officers to refer  
14 charges for trial by special court-martial under sec-  
15 tion 823 of title 10, United States Code (article 23  
16 of the Uniform Code of Military Justice) or sum-  
17 mary court-martial convened under section 824 of  
18 title 10, United States Code (article 24 of the Uni-  
19 form Code of Military Justice), or to impose non-ju-  
20 dicial punishment in connection with the conduct  
21 covered by such charges as authorized by section  
22 815 of title 10, United States Code (article 15 of the  
23 Uniform Code of Military Justice).

24 (7) The determination under paragraph (1) to  
25 refer charges to a general or special court-martial

1 shall not be subject to section 834 of title 10, United  
2 States Code (article 34 of the Uniform Code of Military  
3 Justice), provided that the officer making the  
4 determination determines that—

5 (A) the specification alleges an offense  
6 under the Uniform Code of Military Justice;

7 (B) there is probable cause to believe that  
8 the accused committed the offense charged; and

9 (C) a court-martial would have jurisdiction  
10 over the accused and the offense.

11 (e) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this section shall be construed to  
12 alter or affect the preferral, disposition, or referral author-  
13 ity of charges under chapter 47 of title 10, United States  
14 Code (the Uniform Code of Military Justice), that allege  
15 an offense for which the maximum punishment authorized  
16 under that chapter includes confinement for one year or  
17 less, except for the offenses of child pornography, neg-  
18 ligent homicide, indecent conduct, indecent language com-  
19 municated to any child under the age of 16 years, and  
20 pandering and prostitution as punishable under the gen-  
21 eral punitive article in section 934 of such title (article  
22 134 of the Uniform Code of Military Justice).

24 (f) POLICIES AND PROCEDURES.—

1           (1) IN GENERAL.—The Secretaries of the mili-  
2           tary departments and the Secretary of Homeland  
3           Security (with respect to the Coast Guard when it  
4           is not operating as a service in the Navy) shall re-  
5           vise policies and procedures as necessary to comply  
6           with this section.

7           (2) UNIFORMITY.—The General Counsel of the  
8           Department of Defense and the General Counsel of  
9           the Department of Homeland Security shall jointly  
10          review the policies and procedures revised under this  
11          subsection in order to ensure that any lack of uni-  
12          formity in policies and procedures, as so revised,  
13          among the military departments and the Depart-  
14          ment of Homeland Security does not render uncon-  
15          stitutional any policy or procedure, as so revised.

16          (g) MANUAL FOR COURTS-MARTIAL.—The Secretary  
17          of Defense shall recommend such changes to the Manual  
18          for Courts-Martial as are necessary to ensure compliance  
19          with this section.

20          (h) IMPROVED SPECIALIZATION OF CRIMINAL INVES-  
21          TIGATORS.—The Secretary of Defense shall revise policies  
22          and procedures as necessary to improve specialization of  
23          criminal investigators to help increase the efficiency and  
24          effectiveness of sexual assault and domestic violence inves-  
25          tigations.

1 **SEC. 563. MODIFICATION OF OFFICERS AUTHORIZED TO**  
2 **CONVENE GENERAL AND SPECIAL COURTS-**  
3 **MARTIAL FOR CERTAIN OFFENSES UNDER**  
4 **UCMJ WITH AUTHORIZED MAXIMUM SEN-**  
5 **TENCE OF CONFINEMENT OF MORE THAN**  
6 **ONE YEAR.**

7 (a) IN GENERAL.—Subsection (a) of section 822 of  
8 title 10, United States Code (article 22 of the Uniform  
9 Code of Military Justice), is amended—

10 (1) by redesignating paragraphs (8) and (9) as  
11 paragraphs (9) and (10), respectively; and

12 (2) by inserting after paragraph (7) the fol-  
13 lowing new paragraph (8):

14 “(8) with respect to offenses to which section  
15 562(a) of the Military Justice Improvement and In-  
16 creasing Prevention Act of 2021 applies, the officers  
17 in the offices established pursuant to section 563(c)  
18 of that Act or officers in the grade of O-6 or higher  
19 who are assigned such responsibility by the Chief of  
20 Staff of the Army, the Chief of Naval Operations,  
21 the Chief of Staff of the Air Force, the Com-  
22 mandant of the Marine Corps, or the Commandant  
23 of the Coast Guard;”.

24 (b) NO EXERCISE BY OFFICERS IN CHAIN OF COM-  
25 MAND OF ACCUSED OR VICTIM.—Such section (article) is

1 further amended by adding at the end the following new  
2 subsection:

3 “(c) An officer specified in subsection (a)(8) may not  
4 convene a court-martial under this section if the officer  
5 is in the chain of command of the accused or the victim.”.

6 (c) OFFICES OF CHIEFS OF STAFF ON COURTS-MAR-  
7 TIAL.—

8 (1) OFFICES REQUIRED.—Each Chief of Staff  
9 of the Armed Forces or Commandant specified in  
10 paragraph (8) of section 822(a) of title 10, United  
11 States Code (article 22(a) of the Uniform Code of  
12 Military Justice), as amended by subsection (a),  
13 shall establish an office to do the following:

14 (A) To convene general and special courts-  
15 martial under sections 822 and 823 of title 10,  
16 United States Code (articles 22 and 23 of the  
17 Uniform Code of Military Justice), pursuant to  
18 paragraph (8) of section 822(a) of title 10,  
19 United States Code (article 22(a) of the Uni-  
20 form Code of Military Justice), as so amended,  
21 with respect to offenses to which section 562(a)  
22 applies.

23 (B) To detail under section 825 of title 10,  
24 United States Code (article 25 of the Uniform  
25 Code of Military Justice), members of courts-

1 martial convened as described in subparagraph  
2 (A).

3 (2) PERSONNEL.—The personnel of each office  
4 established under paragraph (1) shall consist of such  
5 members of the Armed Forces and civilian personnel  
6 of the Department of Defense, or such members of  
7 the Coast Guard or civilian personnel of the Depart-  
8 ment of Homeland Security, as may be detailed or  
9 assigned to the office by the Chief of Staff or Com-  
10 mandant concerned. The members and personnel so  
11 detailed or assigned, as the case may be, shall be de-  
12 tailed or assigned from personnel billets in existence  
13 as of the effective date for this part specified in sec-  
14 tion 570.

15 **SEC. 564. DISCHARGE USING OTHERWISE AUTHORIZED**  
16 **PERSONNEL AND RESOURCES.**

17 (a) IN GENERAL.—The Secretaries of the military  
18 departments and the Secretary of Homeland Security  
19 (with respect to the Coast Guard when it is not operating  
20 as a service in the Navy) shall carry out sections 562 and  
21 563 using personnel, funds, and resources otherwise au-  
22 thorized by law.

23 (b) NO AUTHORIZATION OF ADDITIONAL PER-  
24 SONNEL OR RESOURCES.—Sections 562 and 563 shall not  
25 be construed as authorizations for personnel, personnel

1 billets, or funds for the discharge of the requirements in  
2 such sections.

3 **SEC. 565. MONITORING AND ASSESSMENT OF MODIFICA-**  
4 **TION OF AUTHORITIES BY DEFENSE ADVI-**  
5 **SORY COMMITTEE ON INVESTIGATION, PROS-**  
6 **ECUTION, AND DEFENSE OF SEXUAL AS-**  
7 **SAULT IN THE ARMED FORCES.**

8 Section 546(c) of the Carl Levin and Howard P.  
9 “Buck” McKeon National Defense Authorization Act for  
10 Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “on the investigation” and  
13 inserting “on the following:

14 “(A) The investigation”; and

15 (B) by adding at the end the following new  
16 subparagraph:

17 “(B) The implementation and efficacy of  
18 sections 562 through 564 of the Military Jus-  
19 tice Improvement and Increasing Prevention  
20 Act of 2021 and the amendments made by such  
21 sections.”; and

22 (2) in paragraph (2), by striking “paragraph  
23 (1)” and inserting “paragraph (1)(A)”.

1 **SEC. 566. LIMITATION ON MODIFICATIONS TO SEXUAL AS-**  
2 **SAULT REPORTING PROCEDURES.**

3 (a) IN GENERAL.—The Secretary of Defense may not  
4 amend section 4 of enclosure 4 of Department of Defense  
5 Instruction (DoDI) 6495.02, relating to Sexual Assault  
6 Prevention and Response (SAPR) Program Procedures, or  
7 otherwise prescribe any regulations or guidance relating  
8 to the treatment and handling of unrestricted and re-  
9 stricted reports of sexual assault, until 30 days after noti-  
10 fying the congressional defense committees of the pro-  
11 posed amendment or modification.

12 (b) CONGRESSIONAL DEFENSE COMMITTEES DE-  
13 FINED.—In this section, the term “congressional defense  
14 committees” has the meaning given the term in section  
15 101(a) of title 10, United States Code.

16 **SEC. 567. PROFESSIONALIZATION OF MILITARY PROSECU-**  
17 **TORS.**

18 (a) IN GENERAL.—The Secretary of Defense shall in-  
19 crease enhanced and specialized training to certain pros-  
20 ecutors on the proper conduct, presentation, and handling  
21 of sexual assault and domestic violence cases.

22 (b) REPORT.—Not later than 180 days after the date  
23 of the enactment of this Act, the Secretary of Defense  
24 shall submit to the congressional defense committees a re-  
25 port on the program implemented under subsection (a).

1 **SEC. 568. INCREASED TRAINING AND EDUCATION ON MILI-**  
2 **TARY SEXUAL ASSAULT.**

3 (a) UNIFORMED OFFICERS AND SENIOR ENLISTED  
4 LEADERS.—

5 (1) UNIFORMED OFFICERS.—All uniformed offi-  
6 cers of the military services shall be required within  
7 2 years of the date of the enactment of this Act to  
8 complete training on military sexual assault preven-  
9 tion equivalent to that provided to Sexual Assault  
10 Prevention and Response Victim Advocates before  
11 those officers may be considered for promotion to a  
12 grade at or above O-5. A portion of this training  
13 shall be in-person, facilitated training.

14 (2) ENLISTED LEADERS.—All senior enlisted  
15 leaders of the military services will be required with-  
16 in 2 years of the date of the enactment of this Act  
17 to complete a training on military sexual assault  
18 prevention equivalent to that provided to the Sexual  
19 Assault Prevention and Response Victim Advocates  
20 before enlisted service members may be considered  
21 for promotion to a grade at or above E-9. A portion  
22 of this training shall be in-person, facilitated train-  
23 ing.

24 (b) OFFICER CANDIDATES AND ROTC.—

25 (1) IN GENERAL.—The United States Army  
26 Cadet Command, the Naval Education and Training

1 Command, the Air Education and Training Com-  
2 mand, and the Coast Guard Recruiting Command  
3 shall carry out a program for increasing training on  
4 the prevention of military sexual assault within cadet  
5 ranks. A portion of this training shall be in-person,  
6 facilitated training.

7 (2) REPORT ON DEVELOPMENT OF PLAN.—Not  
8 later than 180 days after the date of the enactment  
9 of this Act, the United States Army Cadet Com-  
10 mand, the Naval Education and Training Command,  
11 the Air Education and Training Command, and the  
12 Coast Guard Recruiting Command shall submit to  
13 the congressional defense committees a report on the  
14 development of the program required under para-  
15 graph (1) and a plan for execution.

16 (3) REPORT ON IMPLEMENTATION.—Not later  
17 than 2 years after the date of the enactment of this  
18 Act, the United States Army Cadet Command, the  
19 Naval Education and Training Command, the Air  
20 Education and Training Command, and the Coast  
21 Guard Recruiting Command shall submit to the con-  
22 gressional defense committees a report on the imple-  
23 mentation of the program required under paragraph  
24 (1).

25 (c) MILITARY SERVICE ACADEMIES.—

1           (1) IN GENERAL.—The Superintendents of the  
2           military service academies shall carry out additional  
3           military sexual assault prevent training and edu-  
4           cation at the academies. A portion of this training  
5           shall be in-person, facilitated training.

6           (2) REPORT.—The Secretary of Defense, in  
7           consultation with the Superintendents of the military  
8           service academies, shall submit a report to the con-  
9           gressional defense committees describing the addi-  
10          tional training and education implemented pursuant  
11          to paragraph (1).

12 **SEC. 569. INCREASING THE PHYSICAL SECURITY OF MILI-**  
13 **TARY INSTALLATIONS.**

14          (a) SURVEY.—Not later than 180 days after the date  
15          of the enactment of this Act, the Secretary of Defense  
16          shall conduct a survey of all lodging and living spaces on  
17          military installations to identify, replace, or repair locking  
18          mechanisms on points of entry, identify areas of installa-  
19          tion of closed-circuit television (CCTV) security cameras,  
20          and other passive security measures as necessary to in-  
21          crease the prevention of crimes, including sexual assault,  
22          on military installations.

23          (b) REPORT.—Not later than 180 days after the date  
24          of the enactment of this Act, the Secretary of Defense  
25          shall submit to the congressional defense committees a re-

1 port on the results of the survey conducted under sub-  
2 section (a).

3 (c) PROGRAM.—Based on the results of the survey  
4 conducted under subsection (a), the Secretary of Defense  
5 shall carry out a program for increasing the security of  
6 all lodging and living spaces on military installations, in-  
7 cluding replacing or repairing locking mechanisms on  
8 points of entry, installation of CCTV security cameras,  
9 and other passive security measures as necessary to in-  
10 crease the prevention of crimes, including sexual assault,  
11 on military installations.

12 **SEC. 570. EFFECTIVE DATE AND APPLICABILITY.**

13 (a) EFFECTIVE DATE AND APPLICABILITY.—This  
14 part and the amendments made by this part shall take  
15 effect 180 days after the date of the enactment of this  
16 Act, and shall apply with respect to any allegation of  
17 charges of an offense specified in subsection (b) of section  
18 562, and not excluded under subsection (c) of section 562,  
19 which offense occurs on or after such effective date.

20 (b) REVISIONS OF POLICIES AND PROCEDURES.—  
21 Any revision of policies and procedures required of the  
22 military departments or the Department of Homeland Se-  
23 curity as a result of this part and the amendments made  
24 by this part shall be completed so as to come into effect  
25 together with the coming into effect of this part and the

1 amendments made by this part in accordance with sub-  
2 section (a).

3       **Subtitle E—Member Education,**  
4       **Training, and Transition**

5 **SEC. 571. MODIFICATION OF GRANT PROGRAM SUP-**  
6       **PORTING SCIENCE, TECHNOLOGY, ENGI-**  
7       **NEERING, AND MATH EDUCATION IN THE**  
8       **JUNIOR RESERVE OFFICERS' TRAINING**  
9       **CORPS TO INCLUDE QUANTUM INFORMATION**  
10       **SCIENCES.**

11       Section 2036(g)(2) of title 10, United States Code,  
12 as added by section 513(a) of the William M. (Mac)  
13 Thornberry National Defense Authorization Act for Fiscal  
14 Year 2021 (Public Law 116–283), is amended—

15           (1) by redesignating subparagraphs (J) through  
16           (M) as subparagraphs (K) through (N), respectively;  
17           and

18           (2) by inserting after subparagraph (I) the fol-  
19           lowing new subparagraph:

20                   “(J) quantum information sciences;”.

1 **SEC. 572. ALLOCATION OF AUTHORITY FOR NOMINATIONS**  
2 **TO THE MILITARY SERVICE ACADEMIES IN**  
3 **THE EVENT OF THE DEATH, RESIGNATION,**  
4 **OR EXPULSION FROM OFFICE OF A MEMBER**  
5 **OF CONGRESS.**

6 (a) UNITED STATES MILITARY ACADEMY.—

7 (1) IN GENERAL.—Chapter 753 of title 10,  
8 United States Code, is amended by inserting after  
9 section 7442 the following new section:

10 **“§ 7442a. Cadets: nomination in event of death, res-**  
11 **ignation, or expulsion from office of**  
12 **member of Congress otherwise author-**  
13 **ized to nominate**

14 “(a) SENATORS.—In the event a Senator does not  
15 submit nominations for cadets for an academic year in ac-  
16 cordance with section 7442(a)(3) of this title due to death,  
17 resignation from office, or expulsion from office and the  
18 date of the swearing-in of the Senator’s successor as Sen-  
19 ator occurs after the date of the deadline for submittal  
20 of nominations for cadets for the academic year, the nomi-  
21 nations for cadets otherwise authorized to be made by the  
22 Senator pursuant to such section shall be made instead  
23 by the other Senator from the State concerned.

24 “(b) REPRESENTATIVES.—In the event a Representa-  
25 tive from a State does not submit nominations for cadets  
26 for an academic year in accordance with section

1 7442(a)(4) of this title due to death, resignation from of-  
2 fice, or expulsion from office and the date of the swearing-  
3 in of the Representative's successor as Representative oc-  
4 curs after the date of the deadline for submittal of nomi-  
5 nations for cadets for the academic year, the nominations  
6 for cadets otherwise authorized to be made by the Rep-  
7 resentative pursuant to such section shall be made instead  
8 by the Senators from the State from the district of the  
9 Representative, with such nominations divided equally  
10 among such Senators and any remainder going to the sen-  
11 ior Senator from the State.

12 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
13 tion for cadets made by a Senator pursuant to this section  
14 is in addition to any nomination for cadets otherwise au-  
15 thorized the Senator under section 7442 of this title or  
16 any other provision of law.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions at the beginning of chapter 753 of such title  
19 is amended by inserting after the item relating to  
20 section 7442 the following new item:

“7442a. Cadets: nomination in event of death, resignation, or expulsion from of-  
fice of member of Congress otherwise authorized to nominate.”.

21 (b) UNITED STATES NAVAL ACADEMY.—

22 (1) IN GENERAL.—Chapter 853 of title 10,  
23 United States Code, is amended by inserting after  
24 section 8454 the following new section:

1 **“§ 8454a. Midshipmen: nomination in event of death,**  
2 **resignation, or expulsion from office of**  
3 **member of Congress otherwise author-**  
4 **ized to nominate**

5 “(a) SENATORS.—In the event a Senator does not  
6 submit nominations for midshipmen for an academic year  
7 in accordance with section 8454(a)(3) of this title due to  
8 death, resignation from office, or expulsion from office and  
9 the date of the swearing-in of the Senator’s successor as  
10 Senator occurs after the date of the deadline for submittal  
11 of nominations for midshipmen for the academic year, the  
12 nominations for midshipmen otherwise authorized to be  
13 made by the Senator pursuant to such section shall be  
14 made instead by the other Senator from the State con-  
15 cerned.

16 “(b) REPRESENTATIVES.—In the event a Representa-  
17 tive from a State does not submit nominations for mid-  
18 shipmen for an academic year in accordance with section  
19 8454(a)(4) of this title due to death, resignation from of-  
20 fice, or expulsion from office and the date of the swearing-  
21 in of the Representative’s successor as Representative oc-  
22 curs after the date of the deadline for submittal of nomi-  
23 nations for midshipmen for the academic year, the nomi-  
24 nations for midshipmen otherwise authorized to be made  
25 by the Representative pursuant to such section shall be  
26 made instead by the Senators from the State from the

1 district of the Representative, with such nominations di-  
 2 vided equally among such Senators and any remainder  
 3 going to the senior Senator from the State.

4 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
 5 tion for midshipmen made by a Senator pursuant to this  
 6 section is in addition to any nomination for midshipmen  
 7 otherwise authorized the Senator under section 8454 of  
 8 this title or any other provision of law.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
 10 tions at the beginning of chapter 853 of such title  
 11 is amended by inserting after the item relating to  
 12 section 8454 the following new item:

“8454a. Midshipmen: nomination in event of death, resignation, or expulsion  
 from office of member of Congress otherwise authorized to  
 nominate.”.

13 (c) AIR FORCE ACADEMY.—

14 (1) IN GENERAL.—Chapter 953 of title 10,  
 15 United States Code, is amended by inserting after  
 16 section 9442 the following new section:

17 **“§ 9442a. Cadets: nomination in event of death, res-**  
 18 **ignation, or expulsion from office of**  
 19 **member of Congress otherwise author-**  
 20 **ized to nominate**

21 “(a) SENATORS.—In the event a Senator does not  
 22 submit nominations for cadets for an academic year in ac-  
 23 cordance with section 9442(a)(3) of this title due to death,  
 24 resignation from office, or expulsion from office and the

1 date of the swearing-in of the Senator's successor as Sen-  
2 ator occurs after the date of the deadline for submittal  
3 of nominations for cadets for the academic year, the nomi-  
4 nations for cadets otherwise authorized to be made by the  
5 Senator pursuant to such section shall be made instead  
6 by the other Senator from the State concerned.

7       “(b) REPRESENTATIVES.—In the event a Representa-  
8 tive from a State does not submit nominations for cadets  
9 for an academic year in accordance with section  
10 9442(a)(4) of this title due to death, resignation from of-  
11 fice, or expulsion from office and the date of the swearing-  
12 in of the Representative's successor as Representative oc-  
13 curs after the date of the deadline for submittal of nomi-  
14 nations for cadets for the academic year, the nominations  
15 for cadets otherwise authorized to be made by the Rep-  
16 resentative pursuant to such section shall be made instead  
17 by the Senators from the State from the district of the  
18 Representative, with such nominations divided equally  
19 among such Senators and any remainder going to the sen-  
20 ior Senator from the State.

21       “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
22 tion for cadets made by a Senator pursuant to this section  
23 is in addition to any nomination of cadets otherwise au-  
24 thorized the Senator under section 9442 of this title or  
25 any other provision of law.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 953 of such title  
3           is amended by inserting after the item relating to  
4           section 9442 the following new item:

“9442a. Cadets: nomination in event of death, resignation, or expulsion from of-  
          fice of member of Congress otherwise authorized to nominate.”.

5   **SEC. 573. TROOPS-TO-TEACHERS PROGRAM.**

6           (a) REQUIREMENT TO CARRY OUT PROGRAM.—Sec-  
7           tion 1154(b) of title 10, United States Code, is amended  
8           by striking “may” and inserting “shall”.

9           (b) REPORTING REQUIREMENT.—Section 1154 of  
10          title 10, United States Code, is amended—

11           (1) by redesignating subsection (i) as subsection  
12           (j); and

13           (2) by inserting after subsection (h) the fol-  
14           lowing new subsection:

15           “(i) ANNUAL REPORT.—(1) Not later than December  
16           1, 2022, and annually thereafter, the Secretary of Defense  
17           shall submit to the appropriate congressional committees  
18           a report on the Program.

19           “(2) The report required under paragraph (1) shall  
20           include the following elements:

21           “(A) The total cost of the Program for the  
22           most recent fiscal year.

1           “(B) The total number of teachers placed dur-  
2           ing such fiscal year and the locations of such place-  
3           ments.

4           “(C) An assessment of the STEM backgrounds  
5           of the teachers placed, the number of placements in  
6           high-need schools, and any other metric or informa-  
7           tion the Secretary considers appropriate to illustrate  
8           the cost and benefits of the program to members of  
9           the armed forces, veterans, and local educational  
10          agencies.

11          “(3) In this subsection, the term ‘appropriate con-  
12          gressional committees’ means—

13                 “(A) the Committee on Armed Services and the  
14                 Committee on Help, Education, Labor, and Pensions  
15                 of the Senate; and

16                 “(B) the Committee on Armed Services and the  
17                 Committee on Education and Labor of the House of  
18                 Representatives.”.

19          (c) SUNSET.—Section 1154 of title 10, United States  
20          Code, as amended by subsection (b), is further amended  
21          by adding at the end the following new subsection:

22                 “(k) SUNSET.—The Program shall terminate on July  
23                 1, 2025, with respect to the selection of new participants  
24                 for the program. Participants in the Program as of that

1 date may complete their program, and remain eligible for  
2 benefits under this section.”.

3 **SEC. 574. COMBATING FOREIGN MALIGN INFLUENCE.**

4 Section 589E of the William M. (Mac) Thornberry  
5 National Defense Authorization Act for Fiscal Year 2021  
6 (Public Law 116–283) is amended—

7 (1) by striking subsections (d) and (e); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing new subsections:

10 “(d) ESTABLISHMENT OF WORKING GROUP.—(1)

11 Not later than one year after the date of the enactment  
12 of this subsection, the Secretary of Defense shall establish  
13 a working group to assist the official designated under  
14 subsection (b), as follows:

15 “(A) In the identification of mediums used by  
16 covered foreign countries to identify, access, and en-  
17 deavor to influence servicemembers and Department  
18 of Defense civilian employees through foreign malign  
19 influence campaigns and the themes conveyed  
20 through such mediums.

21 “(B) In coordinating and integrating the train-  
22 ing program under this subsection in order to en-  
23 hance and strengthen servicemember and Depart-  
24 ment of Defense civilian employee awareness of and

1 defenses against foreign malign influence, including  
2 by bolstering information literacy.

3 “(C) In such other tasks deemed appropriate by  
4 the Secretary of Defense or the official designated  
5 under subsection (b).

6 “(2) The official designed under subsection (b) and  
7 the working group established under this subsection shall  
8 consult with the Foreign Malign Influence Response Cen-  
9 ter established pursuant to section 3059 of title 50, United  
10 States Code.

11 “(e) REPORT REQUIRED.—Not later than 18 months  
12 after the establishment of the working group, the Sec-  
13 retary shall submit to the Committees on Armed Services  
14 of the Senate and the House of Representatives a report  
15 on the results of the working group, its activities, the ef-  
16 fectiveness of the counter foreign malign influence activi-  
17 ties carried out under this section, the metrics applied to  
18 determined effectiveness, and the actual costs associated  
19 with actions undertaken pursuant to this section.

20 “(f) DEFINITIONS.—In this section:

21 “(1) FOREIGN MALIGN INFLUENCE.—The term  
22 ‘foreign malign influence’ has the meaning given  
23 that term in section 119C of the National Security  
24 Act of 1947 (50 U.S.C. 3059).

1           “(2) COVERED FOREIGN COUNTRY.—The term  
2           ‘covered foreign country’ has the meaning given that  
3           term in section 119C of the National Security Act  
4           of 1947 (50 U.S.C. 3059)

5           “(3) INFORMATION LITERACY.—The term ‘in-  
6           formation literacy’ means the set of skills needed to  
7           find, retrieve, understand, evaluate, analyze, and ef-  
8           fectively use information (which encompasses spoken  
9           and broadcast words and videos, printed materials,  
10          and digital content, data, and images).”.

11 **SEC. 575. PROHIBITION ON IMPLEMENTATION BY UNITED**  
12                           **STATES AIR FORCE ACADEMY OF CIVILIAN**  
13                           **FACULTY TENURE SYSTEM.**

14          The Secretary of Defense may not implement a civil-  
15          ian faculty tenure system for the United States Air Force  
16          Academy (in this section referred to as the “Academy”)  
17          until the Secretary submits to the Committees on Armed  
18          Services of the Senate and the House of Representatives  
19          a report assessing the following:

20                 (1) How a civilian faculty tenure system would  
21                 promote the mission of the Academy.

22                 (2) How a civilian faculty tenure system would  
23                 affect the current curricular governance process of  
24                 the Academy.

1           (3) How the Academy will determine the num-  
2           ber of civilian faculty at the Academy who would be  
3           granted tenure.

4           (4) How a tenure system would be structured  
5           for Federal employees at the Academy, including  
6           exact details of specific protections and limitations.

7           (5) The budget implications of implementing a  
8           tenure system for the Academy.

9           (6) The faculty qualifications that would be re-  
10          quired to earn and maintain tenure.

11          (7) The reasons for termination of tenure that  
12          will be implemented and how a tenure termination  
13          effort would be conducted.

14   **Subtitle F—Military Family Readiness and Dependents' Education**

16   **SEC. 581. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**  
17                           **AGENCIES THAT BENEFIT DEPENDENTS OF**  
18                           **MILITARY AND CIVILIAN PERSONNEL.**

19          (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL  
20   EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS  
21   OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT  
22   OF DEFENSE CIVILIAN EMPLOYEES.—

23           (1) ASSISTANCE TO SCHOOLS WITH SIGNIFI-  
24          CANT NUMBERS OF MILITARY DEPENDENT STU-  
25          DENTS.—Of the amount authorized to be appro-

1        appropriated for fiscal year 2022 by section 301 and  
2        available for operation and maintenance for Defense-  
3        wide activities as specified in the funding table in  
4        section 4301, \$50,000,000 shall be available only for  
5        the purpose of providing assistance to local edu-  
6        cational agencies under subsection (a) of section 572  
7        of the National Defense Authorization Act for Fiscal  
8        Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

9            (2) LOCAL EDUCATIONAL AGENCY DEFINED.—

10        In this subsection, the term “local educational agen-  
11        cy” has the meaning given that term in section  
12        7013(9) of the Elementary and Secondary Edu-  
13        cation Act of 1965 (20 U.S.C. 7713(9)).

14        (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-  
15        ABILITIES.—

16            (1) IN GENERAL.—Of the amount authorized to  
17        be appropriated for fiscal year 2022 pursuant to sec-  
18        tion 301 and available for operation and mainte-  
19        nance for Defense-wide activities as specified in the  
20        funding table in section 4301, \$10,000,000 shall be  
21        available for payments under section 363 of the  
22        Floyd D. Spence National Defense Authorization  
23        Act for Fiscal Year 2001 (as enacted into law by  
24        Public Law 106–398; 114 Stat. 1654A–77; 20  
25        U.S.C. 7703a).

1           (2) **ADDITIONAL AMOUNT.**—Of the amount au-  
2           thorized to be appropriated for fiscal year 2022 pur-  
3           suant to section 301 and available for operation and  
4           maintenance for Defense-wide activities as specified  
5           in the funding table in section 4301, \$10,000,000  
6           shall be available for use by the Secretary of Defense  
7           to make payments to local educational agencies de-  
8           termined by the Secretary to have higher concentra-  
9           tions of military children with severe disabilities.

10           (3) **REPORT.**—Not later than March 31, 2022,  
11           the Secretary shall brief the Committees on Armed  
12           Services of the Senate and the House of Representa-  
13           tives on the Department’s evaluation of each local  
14           educational agency with higher concentrations of  
15           military children with severe disabilities and subse-  
16           quent determination of the amounts of impact aid  
17           each such agency shall receive.

18 **SEC. 582. PILOT PROGRAM TO ESTABLISH EMPLOYMENT**  
19                           **FELLOWSHIP OPPORTUNITIES FOR MILITARY**  
20                           **SPOUSES.**

21           (a) **ESTABLISHMENT.**—Not later than one year after  
22           the date of the enactment of this Act, the Secretary of  
23           Defense may establish a three-year pilot program to pro-  
24           vide employment support to the spouses of members of  
25           the Armed Forces through a paid fellowship with employ-

1 ers across a variety of industries. In carrying out the pilot  
2 program, the Secretary shall take the following steps:

3 (1) Enter into a contract or other agreement to  
4 conduct a career fellowship pilot program for mili-  
5 tary spouses.

6 (2) Determine the appropriate capacity for the  
7 pilot program based on annual funding availability.

8 (3) Establish evaluation criteria to determine  
9 measures of effectiveness and cost-benefit analysis of  
10 the pilot program in supporting military spouse em-  
11 ployment.

12 (b) LIMITATION ON TOTAL AMOUNT OF ASSIST-  
13 ANCE.—The total amount of the pilot program may not  
14 exceed \$5,000,000 over the life of the pilot.

15 (c) REPORTS.—Not later than two years after the  
16 Secretary establishes the pilot program, the Secretary  
17 shall submit to the Committees on Armed Services of the  
18 Senate and the House of Representatives an interim re-  
19 port that includes the following elements:

20 (1) The number of spouses who participated in  
21 the pilot program annually.

22 (2) The amount of funding spent through the  
23 pilot program annually.

1           (3) A recommendation of the Secretary regard-  
2           ing whether to discontinue, expand, or make the  
3           pilot program permanent.

4           (d) FINAL REPORT.—Not later than 180 days after  
5           the pilot program ends, the Secretary shall submit to the  
6           Committees on Armed Services of the Senate and the  
7           House of Representatives a final report that includes the  
8           following elements:

9           (1) The number of spouses who participated in  
10          the pilot program.

11          (2) The amount of funding spent through the  
12          pilot program.

13          (3) An evaluation of outcomes.

14          (4) A recommendation of the Secretary regard-  
15          ing whether to make the pilot program permanent.

16          (e) TERMINATION.—The pilot program shall termi-  
17          nate three years after the date on which the Secretary es-  
18          tablishes the pilot program.

1           **Subtitle G—Other Matters and**  
2   **Reports**

3   **SEC. 591. AMENDMENTS TO ADDITIONAL DEPUTY INSPEC-**  
4                                   **TOR GENERAL OF THE DEPARTMENT OF DE-**  
5                                   **FENSE.**

6           Section 554(a) of the William M. (Mac) Thornberry  
7 National Defense Authorization Act for Fiscal Year 2021  
8 (Public Law 116–283) is amended—

9                           (1) in paragraph (1)—

10                                   (A) in the matter preceding subparagraph  
11 (A), by striking “Secretary of Defense” and in-  
12 serting “Inspector General of the Department  
13 of Defense”;

14                                   (B) in subparagraph (A), by striking “of  
15 the Department”; and

16                                   (C) in subparagraph (B), by striking “re-  
17 port directly to and serve” and inserting “be”;

18                           (2) in paragraph (2)(A)—

19                                   (A) in the matter preceding clause (i), by  
20 striking “Conducting and supervising audits,  
21 investigations, and evaluations” and inserting  
22 “Developing and carrying out a plan for the  
23 conduct of comprehensive oversight, including  
24 through the conduct and supervision of audits,  
25 investigations, and inspections”; and

1 (B) in clause (ii), by striking “duties of”  
2 and inserting “duties assigned to”; and

3 (3) in paragraph (4)—

4 (A) in subparagraph (B)—

5 (i) by striking “Secretary and”; and

6 (ii) by inserting before the period at  
7 the end the following: “, for inclusion in  
8 the next semiannual report of the Inspec-  
9 tor General under section 5 of the Inspec-  
10 tor General Act of 1978 (5 U.S.C. App.)”;

11 (B) in subparagraph (C), by striking “and  
12 Inspector General”;

13 (C) in subparagraph (D)—

14 (i) by striking “Deputy”;

15 (ii) by striking “and the Inspector  
16 General”; and

17 (iii) by striking “direct” and inserting  
18 “direct or determine, as the case may be”;

19 and

20 (D) in subparagraph (E), by striking “of  
21 the Department” and all that follows through  
22 “Representatives” and inserting “consistent  
23 with the requirements of the Inspector General  
24 Act of 1978 (5 U.S.C. App.)”.

1 **SEC. 592. INCLUSION OF SENIOR RESERVE OFFICERS’**  
2 **TRAINING CORPS DATA IN DIVERSITY AND**  
3 **INCLUSION REPORTING.**

4 Section 113(m) of title 10, United States Code, as  
5 amended by section 551(a)(1) of the William M. (Mac)  
6 Thornberry National Defense Authorization Act for Fiscal  
7 Year 2021 (Public Law 116–283), is amended—

8 (1) by redesignating paragraphs (5), (6), and  
9 (7) as paragraphs (6), (7), and (8), respectively; and  
10 (2) by inserting after paragraph (4) the fol-  
11 lowing new paragraph:

12 “(5) The number of graduates of the Senior  
13 Reserve Officers’ Training Corps during the fiscal  
14 year covered by the report, disaggregated by gender,  
15 race, and ethnicity, for each military department.”.

16 **SEC. 593. MODIFIED DEADLINE FOR ESTABLISHMENT OF**  
17 **SPECIAL PURPOSE ADJUNCT TO ARMED**  
18 **SERVICES VOCATIONAL APTITUDE BATTERY**  
19 **TEST.**

20 Section 594 of the William M. (Mac) Thornberry Na-  
21 tional Defense Authorization Act for Fiscal Year 2021  
22 (Public Law 116–283) is amended by striking “Not later  
23 than one year after the date of the enactment of this Act”  
24 and inserting “Not later than October 1, 2024”.

1 **SEC. 594. REPORTS ON AIR FORCE PERSONNEL PER-**  
2 **FORMING DUTIES OF A NUCLEAR AND MIS-**  
3 **SILE OPERATIONS OFFICER (13N).**

4 (a) IN GENERAL.—The Secretary of the Air Force  
5 shall submit to the congressional defense committees a re-  
6 port on personnel performing the duties of a Nuclear and  
7 Missile Operations Officer (13N)—

8 (1) not later than 90 days after the date of the  
9 enactment of this Act; and

10 (2) concurrent with the submission to Congress  
11 of the budget of the President for each of fiscal  
12 years 2023 through 2027 pursuant to section  
13 1105(a) of title 31, United States Code.

14 (b) ELEMENTS.—Each report required by subsection  
15 (a) shall include the following:

16 (1) The number of Nuclear and Missile Oper-  
17 ations Officers commissioned, by commissioning  
18 source, during the most recent fiscal year that ended  
19 before submission of the report.

20 (2) A description of the rank structure and  
21 number of such officers by intercontinental ballistic  
22 missile operational group during that fiscal year.

23 (3) The retention rate of such officers by inter-  
24 continental ballistic missile operational group during  
25 that fiscal year and an assessment of reasons for  
26 any loss in retention of such officers.

1           (4) A description of the rank structure and  
2           number of officers by intercontinental ballistic mis-  
3           sile operational group performing alert duties by  
4           month during that fiscal year.

5           (5) A description of the structure of incentive  
6           pay for officers performing 13N duties during that  
7           fiscal year.

8           (6) A personnel manning plan for managing of-  
9           ficers performing alert duties during the period of  
10          five fiscal years after submission of the report.

11          (7) A description of methods, with metrics, to  
12          manage the transition of Nuclear and Missile Oper-  
13          ations Officers, by intercontinental ballistic missile  
14          operational group, to other career fields in the Air  
15          Force.

16          (8) Such other matters as the Secretary con-  
17          siders appropriate to inform the congressional de-  
18          fense committees with respect to the 13N career  
19          field during the period of five to ten fiscal years  
20          after submission of the report.

21 **SEC. 595. REPORTS ON SECURITY FORCE PERSONNEL PER-**  
22 **FORMING PROTECTION LEVEL ONE DUTIES.**

23          (a) IN GENERAL.—The Secretary of the Air Force  
24          shall submit to the congressional defense committees a re-

1 port on the status of security force personnel performing  
2 protection level one (PL-1) duties—

3 (1) not later than 90 days after the date of the  
4 enactment of this Act; and

5 (2) concurrent with the submission to Congress  
6 of the budget of the President for each of fiscal  
7 years 2023 through 2027 pursuant to section  
8 1105(a) of title 31, United States Code.

9 (b) ELEMENTS.—Each report required by subsection  
10 (a) shall include the following:

11 (1) The number of Air Force personnel per-  
12 forming, and the number of unfilled billets des-  
13 igned for performance of, PL-1 duties on a full-  
14 time basis during the most recent fiscal year that  
15 ended before submission of the report.

16 (2) The number of such personnel  
17 disaggregated by mission assignment during that fis-  
18 cal year.

19 (3) The number of such personnel and unfilled  
20 billets at each major PL-1 installation during that  
21 fiscal year and a description of the rank structure  
22 of such personnel.

23 (4) A statement of the time, by rank structure,  
24 such personnel were typically assigned to perform

1 PL-1 duties at each major PL-1 installation during  
2 that fiscal year.

3 (5) The retention rate for security personnel  
4 performing such duties during that fiscal year.

5 (6) The number of Air Force PL-1 security  
6 force members deployed to support another Air  
7 Force mission or a joint mission with another mili-  
8 tary department during that fiscal year.

9 (7) A description of the type of training for se-  
10 curity personnel performing PL-1 duties during that  
11 fiscal year.

12 (8) An assessment of the status of replacing the  
13 existing fleet of high mobility multipurpose wheeled  
14 vehicles (HMMWV) and BearCat armored vehicles,  
15 by PL-1 installation.

16 (9) Such other matters as the Secretary con-  
17 siders appropriate relating to security force per-  
18 sonnel performing PL-1 duties during the period of  
19 five fiscal years after submission of the report.

1                   **TITLE VI—MILITARY**  
2                   **COMPENSATION**

3   **SEC. 601. BASIC NEEDS ALLOWANCE FOR MEMBERS ON AC-**  
4                   **TIVE SERVICE IN THE ARMED FORCES.**

5           (a) IN GENERAL.—Chapter 7 of title 37, United  
6 States Code, is amended by inserting after section 402a  
7 the following new section:

8   **“§ 402b. Basic needs allowance for members on active**  
9                   **service in the armed forces**

10           “(a) ALLOWANCE REQUIRED.—The Secretary con-  
11 cerned shall pay to each member who is eligible under sub-  
12 section (b) a basic needs allowance in the amount deter-  
13 mined for such member under subsection (c).

14           “(b) ELIGIBLE MEMBERS.—A member on active  
15 service in the armed forces is eligible for the allowance  
16 under subsection (a) if—

17                   “(1) the member has completed initial entry  
18 training;

19                   “(2) the gross household income of the member  
20 during the most recent calendar year did not exceed  
21 an amount equal to 130 percent of the Federal pov-  
22 erty guidelines of the Department of Health and  
23 Human Services for the location of the member and  
24 the number of individuals in the household of the  
25 member for such year; and

1 “(3) the member—

2 “(A) is not ineligible for the allowance  
3 under subsection (d); and

4 “(B) does not elect under subsection (g)  
5 not to receive the allowance.

6 “(c) AMOUNT OF ALLOWANCE.—The amount of the  
7 monthly allowance payable to a member under subsection  
8 (a) shall be the amount equal to—

9 “(1)(A) 130 percent of the Federal poverty  
10 guidelines of the Department of Health and Human  
11 Services for the calendar year during which the al-  
12 lowance is paid based on the location of the member  
13 and the number of individuals in the household of  
14 the member during the month for which the allow-  
15 ance is paid; minus

16 “(B) the gross household income of the member  
17 during the preceding calendar year; divided by

18 “(2) 12.

19 “(d) BASES OF INELIGIBILITY.—

20 “(1) IN GENERAL.—The following members are  
21 ineligible for the allowance under subsection (a):

22 “(A) A member who does not have any de-  
23 pendents.

24 “(B) A cadet at the United States Military  
25 Academy, the United States Air Force Acad-

1           emy, or the Coast Guard Academy, a mid-  
2           shipman at the United States Naval Academy,  
3           or a cadet or midshipman serving elsewhere in  
4           the armed forces.

5           “(2) HOUSEHOLD WITH MORE THAN ONE ELI-  
6           GIBLE MEMBER.—In the event a household contains  
7           two or more members determined under subsection  
8           (f) to be eligible to receive the allowance under sub-  
9           section (a), only one allowance may be paid to a  
10          member among such members as such members  
11          shall jointly elect.

12          “(3) AUTOMATIC INELIGIBILITY OF MEMBERS  
13          RECEIVING CERTAIN PAY INCREASES.—A member  
14          determined to be eligible under subsection (f) for the  
15          allowance under subsection (a) whose monthly gross  
16          household income increases as a result of a pro-  
17          motion or other permanent increase to pay or allow-  
18          ances under this title to an amount that, on an  
19          annualized basis, would exceed the amount described  
20          in subsection (b)(2) is ineligible for the allowance. If  
21          such member is receiving the allowance, payment of  
22          the allowance shall automatically terminate within a  
23          reasonable time, as determined by the Secretary of  
24          Defense in regulations prescribed under subsection  
25          (j).

1           “(4) INELIGIBILITY OF CERTAIN CHANGES IN  
2 INCOME.—A member whose gross household income  
3 for the preceding year decreases because of a fine,  
4 forfeiture, or reduction in rank imposed as a part of  
5 disciplinary action or an action under chapter 47 of  
6 title 10 (the Uniform Code of Military Justice) is  
7 not eligible for the allowance under subsection (a)  
8 solely as a result of the fine, forfeiture, or reduction  
9 in rank.

10          “(e) APPLICATION BY MEMBERS SEEKING ALLOW-  
11 ANCE.—

12           “(1) IN GENERAL.—A member who seeks to re-  
13 ceive the allowance under subsection (a) shall submit  
14 to the Secretary concerned an application for the al-  
15 lowance that includes such information as the Sec-  
16 retary may require in order to determine whether or  
17 not the member is eligible to receive the allowance.

18           “(2) TIMING OF SUBMISSION.—A member who  
19 receives the allowance under subsection (a) and  
20 seeks to continue to receive the allowance shall sub-  
21 mit to the Secretary concerned an updated applica-  
22 tion under paragraph (1) at such times as the Sec-  
23 retary may require, but not less frequently than an-  
24 nually.

1           “(3) VOLUNTARY SUBMISSION.—The submis-  
2           sion of an application under paragraph (1) is vol-  
3           untary.

4           “(4) SCREENING OF MEMBERS FOR ELIGI-  
5           BILITY.—The Secretary of Defense shall—

6                   “(A) ensure that all members of the armed  
7                   forces are screened during initial entry training  
8                   and regularly thereafter for eligibility for the al-  
9                   lowance under subsection (a); and

10                   “(B) notify any member so screened who  
11                   may be eligible that the member may apply for  
12                   the allowance by submitting an application  
13                   under paragraph (1).

14           “(f) DETERMINATIONS OF ELIGIBILITY.—

15                   “(1) IN GENERAL.—The Secretary concerned  
16                   shall—

17                           “(A) determine whether each individual  
18                           who submits an application under subsection (e)  
19                           is eligible for the allowance under subsection  
20                           (a); and

21                           “(B) notify each such individual, in writ-  
22                           ing, of that determination.

23           “(2) INFORMATION INCLUDED IN NOTICE.—

24           The notice under paragraph (1) shall include infor-  
25           mation regarding financial management and assist-

1       ance programs for which the member may be eligi-  
2       ble.

3       “(g) ELECTION NOT TO RECEIVE ALLOWANCE.—

4               “(1) IN GENERAL.—A member determined  
5       under subsection (f) to be eligible for the allowance  
6       under subsection (a) may elect, in writing, not to re-  
7       ceive the allowance.

8               “(2) DEEMED INELIGIBLE.—A member who  
9       does not submit an application under subsection (e)  
10       within a reasonable time (as determined by the Sec-  
11       retary concerned) shall be deemed ineligible for the  
12       allowance under subsection (a).

13       “(h) SPECIAL RULE FOR MEMBERS STATIONED  
14       OUTSIDE UNITED STATES.—In the case of a member as-  
15       signed to a duty location outside the United States, the  
16       Secretary concerned shall make the calculations described  
17       in subsections (b)(2) and (c)(1) using the Federal poverty  
18       guidelines of the Department of Health and Human Serv-  
19       ices for the continental United States.

20       “(i) REPORTS REQUIRED.—Not later than December  
21       31, 2025, and June 1, 2028, the Secretary of Defense  
22       shall submit to the congressional defense committees a re-  
23       port on the effect of the allowance under subsection (a)  
24       on food insecurity among members of the armed forces.

1       “(j) REGULATIONS.—Not later than one year after  
2 the date of the enactment of the National Defense Author-  
3 ization Act for Fiscal Year 2022, the Secretary of Defense  
4 shall prescribe regulations for the administration of this  
5 section.

6       “(k) EFFECTIVE PERIOD.—

7           “(1) IMPLEMENTATION PERIOD.—The allow-  
8       ance under subsection (a) is payable for months be-  
9       ginning on or after the date that is one year after  
10       the date of the enactment of the National Defense  
11       Authorization Act for Fiscal Year 2022.

12           “(2) TERMINATION.—The allowance under sub-  
13       section (a) may not be paid for any month beginning  
14       after December 31, 2027.

15       “(l) DEFINITIONS.—In this section:

16           “(1) GROSS HOUSEHOLD INCOME.—The term  
17       ‘gross household income’, with respect to a member,  
18       includes all household income derived from any  
19       source.

20           “(2) HOUSEHOLD.—The term ‘household’  
21       means a member and any dependents of the member  
22       enrolled in the Defense Enrollment Eligibility Re-  
23       porting System, regardless of the location of those  
24       dependents.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 7 of such title is amended by  
3 inserting after the item relating to section 402a the fol-  
4 lowing new item:

“402b. Basic needs allowance for members on active service in the armed  
forces.”.

5 **SEC. 602. EQUAL INCENTIVE PAY FOR MEMBERS OF THE**  
6 **RESERVE COMPONENTS OF THE ARMED**  
7 **FORCES.**

8 (a) IN GENERAL.—Subchapter II of chapter 5 of title  
9 37, United States Code, is amended by adding at the end  
10 the following new section:

11 **“§ 357. Incentive pay authorities for members of the**  
12 **reserve components of the armed forces**

13 “The Secretary concerned shall pay a member of the  
14 reserve component of an armed force incentive pay in the  
15 same monthly amount as that paid to a member in the  
16 regular component of such armed force performing com-  
17 parable work requiring comparable skills.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 356 the following:

“357. Incentive pay authorities for members of the reserve components of the  
armed forces.”.

1 **SEC. 603. EXTENSION OF EXPIRING TRAVEL AND TRANS-**  
2 **PORTATION AUTHORITIES.**

3 (a) LODGING IN KIND FOR RESERVE COMPONENT  
4 MEMBERS PERFORMING TRAINING.—

5 (1) IN GENERAL.—Section 12604 of title 10,  
6 United States Code, is amended—

7 (A) by amending the section heading to  
8 read as follows: “**Lodging: Reserves at-**  
9 **tending training**”; and

10 (B) by adding at the end the following new  
11 subsection:

12 “(c) LODGING IN KIND.—(1) In the case of a mem-  
13 ber of a reserve component performing active duty for  
14 training or inactive duty training who is not otherwise en-  
15 titled to travel and transportation allowances in connec-  
16 tion with such duty, the Secretary concerned may reim-  
17 burse the member for housing service charge expenses in-  
18 curred by the member in occupying transient government  
19 housing during the performance of such duty. If transient  
20 government housing is unavailable or inadequate, the Sec-  
21 retary concerned may provide the member with lodging in  
22 kind.

23 “(2) Any payment or other benefit under this sub-  
24 section shall be provided in accordance with regulations  
25 prescribed by the Secretary concerned.

1       “(3) The Secretary may pay service charge expenses  
2 under paragraph (1) and expenses of providing lodging in  
3 kind under such paragraph out of funds appropriated for  
4 operation and maintenance for the reserve component con-  
5 cerned. Use of a Government charge card is authorized  
6 for payment of such expenses.

7       “(4) Decisions regarding the availability or adequacy  
8 of government housing at a military installation under  
9 paragraph (1) shall be made by the installation com-  
10 mander.”.

11           (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions for chapter 1217 of such title is amended by  
13 striking the item relating to section 12604 and in-  
14 sserting the following new item:

“12604. Lodging: Reserves attending training.”.

15           (b) MANDATORY PET QUARANTINE FEES FOR  
16 HOUSEHOLD PETS.—Section 451(b)(8) of title 37, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing new sentence: “Such costs include pet quarantine  
19 expenses.”.

20           (c) STUDENT DEPENDENT TRANSPORTATION.—

21           (1) IN GENERAL.—Section 452(b) of title 37,  
22 United States Code, is amended by adding at the  
23 end the following new paragraphs:

24           “(18) Travel by a dependent child to the United  
25 States to obtain formal secondary, undergraduate,

1 graduate, or vocational education, if the permanent  
2 duty assignment location of the member of the uni-  
3 formed services is not in the continental United  
4 States, Alaska, or Hawaii.

5 “(19) Travel by a dependent child within the  
6 United States to obtain formal secondary, under-  
7 graduate, graduate, or vocational education, if the  
8 permanent duty assignment location of the member  
9 of the uniformed services is in Alaska or Hawaii and  
10 the school is located in a State other than the State  
11 of the permanent duty assignment location.”.

12 (2) DEFINITIONS.—Section 451 of title 37,  
13 United States Code, is amended—

14 (A) in subsection (a)(2)(H), by adding at  
15 the end the following new clauses:

16 “(vii) Transportation of a dependent  
17 child of a member of the uniformed serv-  
18 ices to the United States to obtain formal  
19 secondary, undergraduate, graduate, or vo-  
20 cational education, if the permanent duty  
21 assignment location of the member is not  
22 in the continental United States, Alaska,  
23 or Hawaii.

24 “(viii) Transportation of a dependent  
25 child of a member of the uniformed serv-

1           ices within the United States to obtain for-  
2           mal secondary, undergraduate, graduate,  
3           or vocational education, if the permanent  
4           duty assignment location of the member is  
5           in Alaska or Hawaii and the school is lo-  
6           cated in a State other than the State of  
7           the permanent duty assignment location.”;  
8           and

9           (B) in subsection (b), by adding at the end  
10          the following new paragraph:

11          “(10)(A) The term ‘permanent duty assignment  
12          location’ means—

13                 “(i) the official station of a member of the  
14                 uniformed services; or

15                 “(ii) the residence of a dependent of a  
16                 member of the uniformed services.

17          “(B) For purposes of subparagraph (A)(ii), the  
18          permanent duty assignment location of a dependent  
19          who is a student not living with the member while  
20          attending school is the residence of the dependent.”.

21          (d) DEPENDENT TRANSPORTATION INCIDENT TO  
22          SHIP CONSTRUCTION, INACTIVATION, AND OVER-  
23          HAULING.—

1           (1) IN GENERAL.—Section 452 of title 37,  
2           United States Code, as amended by subsection (c),  
3           is further amended—

4                   (A) in subsection (b), by adding at the end  
5           the following new paragraph:

6                   “(20) Subject to subsection (i), travel by a de-  
7           pendent to a location where a member of the uni-  
8           formed services is on permanent duty aboard a ship  
9           that is overhauling, inactivating, or under construc-  
10          tion.”; and

11                   (B) by adding at the end the following new  
12          subsection:

13                   “(i) DEPENDENT TRANSPORTATION INCIDENT TO  
14          SHIP CONSTRUCTION, INACTIVATION, AND OVER-  
15          HAULING.—The authority under subsection (a) for travel  
16          in connection with circumstances described in subsection  
17          (b)(20) shall be subject to the following terms and condi-  
18          tions:

19                   “(1) The member of the uniformed services is  
20          required to be permanently assigned to the ship for  
21          31 or more consecutive days to be eligible for allow-  
22          ances, and the transportation allowances accrue on  
23          the 31st day and every 60 days thereafter.

24                   “(2) Transportation in kind, reimbursement for  
25          personally procured transportation, or a monetary

1 allowance for mileage in place of the cost of trans-  
2 portation may be provided, in lieu of the member's  
3 entitlement to transportation, for the member's de-  
4 pendents from the location that was the home port  
5 of the ship before commencement of overhaul, inac-  
6 tivation, or construction to the port of overhaul, in-  
7 activation, or construction.

8 “(3) The total reimbursement for transpor-  
9 tation for the member's dependents may not exceed  
10 the cost of one Government-procured commercial  
11 round-trip travel.”

12 (2) DEFINITIONS.—Section 451(a)(2)(H) of  
13 title 37, United States Code, as amended by sub-  
14 section (c), is further amended by adding at the end  
15 the following new clause:

16 “(ix) Transportation of a dependent  
17 to a location where a member of the uni-  
18 formed services is on permanent duty  
19 aboard a ship that is overhauling, inac-  
20 tivating, or under construction.”

21 **SEC. 604. REPEAL OF EXPIRING TRAVEL AND TRANSPOR-**  
22 **TATION AUTHORITIES.**

23 (a) IN GENERAL.—Effective December 31, 2021,  
24 subchapter III of chapter 8 of title 37, United States  
25 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 8 of such title is amended by  
3 striking the items relating to subchapter III and sections  
4 471 through 495.

5 **SEC. 605. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**  
6 **BONUS AND SPECIAL PAY AUTHORITIES.**

7 (a) AUTHORITIES RELATING TO RESERVE  
8 FORCES.—Section 910(g) of title 37, United States Code,  
9 relating to income replacement payments for reserve com-  
10 ponent members experiencing extended and frequent mo-  
11 bilization for active duty service, is amended by striking  
12 “December 31, 2021” and inserting “December 31,  
13 2022”.

14 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH  
15 CARE PROFESSIONALS.—The following sections of title  
16 10, United States Code, are amended by striking “Decem-  
17 ber 31, 2021” and inserting “December 31, 2022”:

18 (1) Section 2130a(a)(1), relating to nurse offi-  
19 cer candidate accession program.

20 (2) Section 16302(d), relating to repayment of  
21 education loans for certain health professionals who  
22 serve in the Selected Reserve.

23 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-  
24 CERS.—Section 333(i) of title 37, United States Code, is

1 amended by striking “December 31, 2021” and inserting  
2 “December 31, 2022”.

3 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-  
4 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-  
5 THORITIES.—The following sections of title 37, United  
6 States Code, are amended by striking “December 31,  
7 2021” and inserting “December 31, 2022”:

8 (1) Section 331(h), relating to general bonus  
9 authority for enlisted members.

10 (2) Section 332(g), relating to general bonus  
11 authority for officers.

12 (3) Section 334(i), relating to special aviation  
13 incentive pay and bonus authorities for officers.

14 (4) Section 335(k), relating to special bonus  
15 and incentive pay authorities for officers in health  
16 professions.

17 (5) Section 336(g), relating to contracting  
18 bonus for cadets and midshipmen enrolled in the  
19 Senior Reserve Officers’ Training Corps.

20 (6) Section 351(h), relating to hazardous duty  
21 pay.

22 (7) Section 352(g), relating to assignment pay  
23 or special duty pay.

24 (8) Section 353(i), relating to skill incentive  
25 pay or proficiency bonus.

1           (9) Section 355(h), relating to retention incen-  
2           tives for members qualified in critical military skills  
3           or assigned to high priority units.

4           (e) **AUTHORITY TO PROVIDE TEMPORARY INCREASE**  
5 **IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section  
6 403(b)(7)(E) of title 37, United States Code, is amended  
7 by striking “December 31, 2021” and inserting “Decem-  
8 ber 31, 2022”.

9 **SEC. 606. REQUIREMENTS IN CONNECTION WITH SUSPEN-**  
10 **SION OF RETIRED PAY AND RETIREMENT AN-**  
11 **NUITIES.**

12           (a) **NOTICE BEFORE SUSPENSION OF PAYMENT.**—

13           (1) **IN GENERAL.**—The Defense Finance and  
14 Accounting Service may not suspend the payment to  
15 a military retiree or annuitant of retired or retainer  
16 pay or an annuity otherwise provided by law until 90  
17 days after the date of the delivery of written notice  
18 to such military retiree or annuitant, as applicable,  
19 or a designated representative, of the suspension.

20           (2) **ELEMENTS.**—Each notice of a suspension  
21 of payment under paragraph (1) shall set forth the  
22 following:

23           (A) The payment proposed to be sus-  
24 pended.

1 (B) A full description of the basis for the  
2 proposed suspension.

3 (C) Notice of the right of the military re-  
4 tiree or annuitant concerned, or a designated  
5 representative, to submit matters in response to  
6 the proposed suspension.

7 (b) SUSPENSION OF PAYMENT FOLLOWING LACK OF  
8 TIMELY RESPONSE.—

9 (1) IN GENERAL.—If at the end of the 90-day  
10 period beginning on the date of the delivery of a no-  
11 tice of suspension of payment under subsection (a)  
12 the military retiree or annuitant concerned, or a des-  
13 ignated representative, has not submitted to the De-  
14 fense Finance and Accounting Service a response to  
15 such notice, the Service may suspend payment as de-  
16 scribed in such notice.

17 (2) CONSTRUCTION OF LACK OF RESPONSE.—  
18 The lack of response of a military retiree, annuitant,  
19 or designated representative to a notice under sub-  
20 section (a) within the 90-day period described in  
21 paragraph (1) shall not constitute a waiver of the  
22 right to submit a response to the suspension of pay-  
23 ment proposed in such notice at some date after  
24 such period.

1 (c) DFAS DETERMINATION ON TIMELY RE-  
2 SPONSE.—

3 (1) IN GENERAL.—If a military retiree, annu-  
4 itant, or designated representative responds to a no-  
5 tice of suspension of payment under subsection (a)  
6 within the 90-day period beginning on the date of  
7 delivery of such notice, the Defense Finance and Ac-  
8 counting Service shall, not later than 30 days after  
9 the date of receipt of such response—

10 (A) make a final determination of whether  
11 the suspension of payment remains warranted;  
12 and

13 (B) submit to the military retiree, annu-  
14 itant, or designated representative a notice of  
15 such final determination.

16 (2) PROHIBITION ON SUSPENSION PENDING AC-  
17 TION.—The Service may not suspend any payment  
18 covered by a response described in paragraph (1)  
19 while taking action with respect to such response  
20 pursuant to that paragraph.

21 (d) RECOVERY OF OVERPAYMENT.—If the Defense  
22 Finance and Accounting Service determines in connection  
23 with any suspension of payment provided for pursuant to  
24 subsection (b) or (c) that the military retiree or annuitant  
25 concerned has received any overpayment of any amount

1 to which such suspension of payment relates, the Sec-  
2 retary of Defense may take appropriate action to recover  
3 such overpayment.

4 (e) PRESERVATION OF AUTHORITY FOR IMMEDIATE  
5 SUSPENSION IN CERTAIN CASES.—

6 (1) IN GENERAL.—Nothing in this section shall  
7 be construed to prohibit the Secretary of Defense  
8 from immediately suspending payment to a military  
9 retiree or annuitant in a case as follows:

10 (A) A case in which the Secretary deter-  
11 mines that the initial claim for payment was  
12 based upon a fraudulent application.

13 (B) A case in which payment is being di-  
14 verted to a person ineligible to receive payment  
15 due to suspected identity theft or similar crimi-  
16 nal act.

17 (C) A case involving immediate termi-  
18 nation of retired or retainer pay as a result of  
19 a conviction of a criminal offense.

20 (2) DATE FOR COMMENCEMENT OF SUSPEN-  
21 SION.—Payment may be suspended under this sub-  
22 section effective upon the date that the Secretary re-  
23 fers the report of the suspected fraud or similar un-  
24 authorized payment in question to a law enforcement  
25 organization.

1           (f) ANNUAL ELIGIBILITY DETERMINATION PROCE-  
2 DURES.—Not later than 180 days after the date of the  
3 enactment of this Act, the Secretary of Defense shall pre-  
4 scribe in regulations a single annual eligibility determina-  
5 tion procedure for determinations of eligibility for military  
6 retired or retainer pay and survivor annuities in connec-  
7 tion with military service as a replacement of the current  
8 procedures in connection with the Certificate of Eligibility  
9 and Report of Existence for military retirees and annu-  
10 itants.

11           (g) REPORT.—Not later than one year after the date  
12 of the enactment of this Act, the Secretary of Defense  
13 shall, in consultation with the Secretary of Veterans Af-  
14 fairs and the Secretary of Homeland Security, submit to  
15 the appropriate committees of Congress a report on a  
16 process by which notifications of the death of a military  
17 retiree or annuitant may be shared among such Secre-  
18 taries for the purpose of determining the termination of  
19 eligibility for benefits administered by such Secretaries.

20           (h) REGULATIONS.—Subsections (a) through (e) of  
21 this section shall be carried out in accordance with regula-  
22 tions prescribed by the Secretary of Defense for purposes  
23 of this section.

24           (i) DEFINITIONS.—In this section:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Committee on Armed Services, the  
5                   Committee on Veterans’ Affairs, and the Com-  
6                   mittee on Commerce, Science, and Transpor-  
7                   tation of the Senate; and

8                   (B) the Committee on Armed Services, the  
9                   Committee on Veterans’ Affairs, and the Com-  
10                  mittee on Transportation and Infrastructure of  
11                  the House of Representatives.

12           (2) MILITARY RETIREE; ANNUITANT.—The  
13           terms “military retiree” and “annuitant” shall have  
14           the meaning given such terms in the regulations pre-  
15           scribed pursuant to subsection (h).

16           (3) DESIGNATED REPRESENTATIVE.—The term  
17           “designated representative” shall have the meaning  
18           given such term in the regulations prescribed pursu-  
19           ant to subsection (h), and shall include a guardian  
20           and a trustee of a qualified special needs trust of an  
21           annuitant.

1           **TITLE VII—HEALTH CARE**  
2                   **PROVISIONS**  
3           **Subtitle A—TRICARE and Other**  
4                   **Health Care Benefits**

5   **SEC. 701. ADDITION OF PRECONCEPTION AND PRENATAL**  
6                   **CARRIER SCREENING COVERAGE AS BENE-**  
7                   **FITS UNDER TRICARE PROGRAM.**

8           Section 1079(a) of title 10, United States Code, is  
9   amended by adding at the end the following new para-  
10 graph:

11                   “(18) Preconception and prenatal carrier  
12           screening tests shall be provided to eligible covered  
13           beneficiaries, with a limit per beneficiary of one test  
14           per condition per lifetime, for the following condi-  
15           tions:

16                           “(A) Cystic Fibrosis.

17                           “(B) Spinal Muscular Atrophy.

18                           “(C) Fragile X Syndrome.

19                           “(D) Tay-Sachs Disease.

20                           “(E) Hemoglobinopathies.

21                           “(F) Conditions linked with Ashkenazi  
22           Jewish descent.”.

1 **SEC. 702. COVERAGE OF OVERSEAS SUBACUTE AND HOS-**  
2 **PICE CARE FOR ELIGIBLE OVERSEAS DE-**  
3 **PENDENTS OF MEMBERS OF THE UNI-**  
4 **FORMED SERVICES.**

5 (a) SUBACUTE CARE.—Section 1074j(b) of title 10,  
6 United States Code, is amended—

7 (1) in paragraph (1), by adding at the end the  
8 following new sentence: “For eligible overseas de-  
9 pendents of members of the uniformed services who  
10 are on active duty for a period of more than 30  
11 days, the Secretary of Defense may authorize an  
12 overseas provider that does not have to be enrolled  
13 in the Medicare program under section 1866(j) of  
14 the Social Security Act (42 U.S.C. 1395cc(j)) to  
15 provide skilled nursing facility care, which shall in-  
16 clude services and facility charges, under the pro-  
17 gram.”;

18 (2) in paragraph (2)—

19 (A) in subparagraph (A)—

20 (i) by striking the period at the end  
21 and inserting “; and”;

22 (ii) by striking “‘skilled nursing facil-  
23 ity’ has” and inserting “‘skilled nursing  
24 facility’—

25 “(i) except as provided in clause (ii), has”;

26 and

1 (iii) by adding at the end the fol-  
2 lowing new clause:

3 “(ii) with respect to facilities overseas,  
4 means facilities authorized by the Secretary of  
5 Defense, which do not have to be enrolled in the  
6 Medicare program under section 1866(j) of the  
7 Social Security Act (42 U.S.C. 1395cc(j)).”;  
8 and

9 (B) by adding at the end the following new  
10 subparagraph:

11 “(C) The term ‘overseas’ means located outside  
12 of the 50 States, the District of Columbia, Puerto  
13 Rico, the United States Virgin Islands, Guam,  
14 American Samoa, and the Northern Mariana Is-  
15 lands.”; and

16 (3) in paragraph (3), by adding at the end the  
17 following new sentence: “Notwithstanding the pre-  
18 vious sentence, home health care services may be  
19 provided to eligible overseas dependents of members  
20 of the uniformed services who are on active duty for  
21 a period of more than 30 days by home health pro-  
22 viders authorized by the Secretary of Defense re-  
23 gardless of whether such providers provide such  
24 services in the manner and under the conditions de-

1 scribed in section 1861(m) of the Social Security Act  
2 (42 U.S.C. 1395x(m)).”.

3 (b) HOSPICE CARE.—Section 1079(a)(15) of such  
4 title is amended—

5 (1) by striking “Hospice care” and inserting  
6 “(A) Except as provided in subparagraph (B), hos-  
7 pice care”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(B)(i) With respect to dependents who are  
11 overseas, hospice care may be provided in such man-  
12 ner and under such conditions as the Secretary of  
13 Defense may authorize.

14 “(ii) In this subparagraph, the term ‘overseas’  
15 means located outside of the 50 States, the District  
16 of Columbia, Puerto Rico, the United States Virgin  
17 Islands, Guam, American Samoa, and the Northern  
18 Mariana Islands.”.

19 **SEC. 703. MODIFICATION OF PILOT PROGRAM ON RECEIPT**  
20 **OF NON-GENERIC PRESCRIPTION MAINTEN-**  
21 **NANCE MEDICATIONS UNDER TRICARE**  
22 **PHARMACY BENEFITS PROGRAM.**

23 Section 706 of the William M. (Mac) Thornberry Na-  
24 tional Defense Authorization Act for Fiscal Year 2021  
25 (Public Law 116–283) is amended—

1           (1) in subsection (a)(1), by striking “may carry  
2 out” and inserting “shall carry out”;

3           (2) in subsection (b), by striking “March 1,  
4 2021” and inserting “March 1, 2022”;

5           (3) by redesignating subsections (e), (f), and  
6 (g) as subsections (f), (g), and (h), respectively;

7           (4) by inserting after subsection (d) the fol-  
8 lowing new subsection (e):

9           “(e) REIMBURSEMENT.—If the Secretary carries out  
10 the pilot program under subsection (a)(1), reimbursement  
11 of retail pharmacies for medication under the pilot pro-  
12 gram may not exceed the amount of reimbursement paid  
13 to the national mail-order pharmacy program under sec-  
14 tion 1074g of title 10, United States Code, for the same  
15 medication, after consideration of all manufacturer dis-  
16 counts, refunds, rebates, pharmacy transaction fees, and  
17 other costs.”; and

18           (5) in subsection (f), as redesignated by para-  
19 graph (3)—

20           (A) by striking paragraph (1) and insert-  
21 ing the following new paragraph (1):

22           “(1) BRIEFING.—Not later than 90 days after  
23 the date of the enactment of the National Defense  
24 Authorization Act for Fiscal Year 2022, the Sec-  
25 retary shall provide to the Committees on Armed

1 Services of the House of Representatives and the  
2 Senate a briefing on the implementation of the pilot  
3 program under subsection (a)(1) or on the deter-  
4 mination of the Secretary under subsection (a)(2)  
5 that the Secretary is not permitted to carry out the  
6 pilot program.”; and

7 (B) in paragraph (3)(A), by striking  
8 “March 1, 2024” and inserting “March 1,  
9 2025”.

## 10 **Subtitle B—Health Care**

### 11 **Administration**

#### 12 **SEC. 721. REVISIONS TO TRICARE PROVIDER NETWORKS.**

13 (a) TRICARE SELECT.—Section 1075 of title 10,  
14 United States Code, is amended—

15 (1) by redesignating subsection (h) as sub-  
16 section (i); and

17 (2) by inserting after subsection (g) the fol-  
18 lowing new subsection (h):

19 “(h) AUTHORITY FOR MULTIPLE NETWORKS IN THE  
20 SAME GEOGRAPHIC AREA.—(1) The Secretary may estab-  
21 lish a system of multiple networks of providers under  
22 TRICARE Select in the same geographic area or areas.

23 “(2) Under a system established under paragraph  
24 (1), the Secretary may—

1           “(A) require covered beneficiaries enrolling in  
2           TRICARE Select to enroll in a specific provider net-  
3           work established under such system, in which case  
4           providers not in that provider network are deemed  
5           to be out-of-network providers under this section  
6           (even if they are in a different TRICARE Select  
7           provider network) and under any other applicable  
8           authorities limiting coverage of health care services  
9           or certain terms for providing services to those pro-  
10          vided by network providers; and

11           “(B) include beneficiaries covered by subsection  
12          (c)(2).”.

13          (b) TRICARE PRIME.—Section 1097a of such title  
14          is amended—

15           (1) by redesignating subsection (e) as sub-  
16          section (f); and

17           (2) by inserting after subsection (d) the fol-  
18          lowing new subsection (e):

19          “(e) AUTHORITY FOR MULTIPLE NETWORKS IN THE  
20          SAME GEOGRAPHIC AREA.—(1) The Secretary may estab-  
21          lish a system of multiple networks of providers under  
22          TRICARE Prime in the same geographic area or areas.

23          “(2) Under a system established under paragraph  
24          (1), the Secretary may require covered beneficiaries enroll-  
25          ing in TRICARE Prime to enroll in a specific provider

1 network established under such system, in which case pro-  
2 viders not in that provider network are deemed to be out-  
3 of-network providers (even if they are in a different  
4 TRICARE Prime provider network) under applicable au-  
5 thorities limiting coverage of health care services or cer-  
6 tain terms for providing services to those provided by net-  
7 work providers.”.

8 **SEC. 722. IMPLEMENTATION OF AN INTEGRATED TRICARE**  
9 **PROGRAM THROUGH EFFECTIVE MARKET**  
10 **MANAGEMENT.**

11 (a) IN GENERAL.—Not later than April 1, 2022, the  
12 Secretary of Defense, acting through the Director of the  
13 Defense Health Agency, shall implement integration of the  
14 direct care and purchased care components of the  
15 TRICARE program through effective management of geo-  
16 graphic markets.

17 (b) ELEMENTS OF INTEGRATION.—The integration  
18 actions required by subsection (a) shall include the fol-  
19 lowing elements:

20 (1) Designation by the Director of the Defense  
21 Health Agency of a single market manager for each  
22 geographic market who shall—

23 (A) report to the Director, through the As-  
24 sistant Director for Health Care Administra-  
25 tion;

1 (B) be under the authority, direction, and  
2 control of the Director; and

3 (C) be responsible for the development and  
4 implementation of a market management plan  
5 for the geographic market.

6 (2) Determinations by the Director, with the  
7 assistance of the market manager for the geographic  
8 market concerned, that in carrying out section  
9 1073d of title 10, United States Code, and section  
10 703 of the National Defense Authorization Act for  
11 Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.  
12 1073d note), the TRICARE preferred provider net-  
13 work in the geographic market has the capacity and  
14 capability to meet the needs of covered beneficiaries  
15 affected by the restructure or realignment of infra-  
16 structure or modification of services of the military  
17 medical treatment facility involved.

18 (3) Expedient implementation of the require-  
19 ments under section 725 of the National Defense  
20 Authorization Act for Fiscal Year 2017 (Public Law  
21 114–328; 10 U.S.C. 1074 note)—

22 (A) to ensure that health care services pro-  
23 vided through military medical treatment facili-  
24 ties maintain the critical wartime medical readi-

1           ness skills and core competencies of health care  
2           providers within the Armed Forces;

3           (B) to meet the health care needs of cov-  
4           ered beneficiaries under the TRICARE pro-  
5           gram, subject to meeting the medical readiness  
6           requirements of the Armed Forces; and

7           (C) to maintain the level of care required  
8           by such section in facilities in foreign countries.

9           (4) With respect to TRICARE Prime—

10           (A) development of a streamlined and ef-  
11           fective system of patient referrals for covered  
12           beneficiaries enrolled in TRICARE Prime, par-  
13           ticularly with respect to referrals from a pri-  
14           mary care provider in the TRICARE network  
15           to a specialty care provider at a military med-  
16           ical treatment facility for specialty care services  
17           available at the military medical treatment fa-  
18           cility; and

19           (B) continued operation of enrollment of  
20           covered beneficiaries in TRICARE Prime in ge-  
21           ographic areas where the Director determines  
22           that such enrollment is appropriate to support  
23           the effective operation of one or more military  
24           medical treatment facilities.

25           (c) DEFINITIONS.—In this section:

1           (1) COVERED BENEFICIARY; TRICARE PRIME;  
2           TRICARE PROGRAM.—The terms “covered bene-  
3           ficiary”, “TRICARE Prime”, and “TRICARE pro-  
4           gram” have the meanings given those terms in sec-  
5           tion 1072 of title 10, United States Code.

6           (2) GEOGRAPHIC MARKET.—The term “geo-  
7           graphic market”, with respect to the TRICARE pro-  
8           gram, has the meaning given that term by the Di-  
9           rector of the Defense Health Agency and shall in-  
10          clude one or more inpatient military medical treat-  
11          ment facilities.

12 **SEC. 723. ESTABLISHMENT OF CENTERS OF EXCELLENCE**  
13                           **FOR ENHANCED TREATMENT OF OCULAR IN-**  
14                           **JURIES.**

15          (a) IN GENERAL.—Not later than October 1, 2022,  
16          the Secretary of Defense, acting through the Director of  
17          the Defense Health Agency, shall establish within the De-  
18          fense Health Agency not fewer than four regional centers  
19          of excellence for the enhanced treatment of—

20               (1) ocular wounds or injuries; and

21               (2) vision dysfunction related to traumatic  
22          brain injury.

23          (b) LOCATION OF CENTERS.—Each center of excel-  
24          lence established under subsection (a) shall be located at  
25          a military medical center that provides graduate medical

1 education in ophthalmology and its related subspecialties  
2 and shall be the primary center for providing specialized  
3 medical services for vision for members of the Armed  
4 Forces in the region in which the center of excellence is  
5 located.

6 (c) POLICIES FOR REFERRAL OF BENEFICIARIES.—  
7 Not later than October 1, 2022, the Director of the De-  
8 fense Health Agency shall publish on a publicly available  
9 internet website of the Department of Defense policies for  
10 the referral of eligible beneficiaries of the Department to  
11 centers of excellence established under subsection (a) for  
12 evaluation and treatment.

13 (d) IDENTIFICATION OF MEDICAL PERSONNEL BIL-  
14 LETS AND STAFFING.—The Secretary of each military de-  
15 partment, in conjunction with the Joint Staff Surgeon and  
16 the Director of the Defense Health Agency, shall identify  
17 specific medical personnel billets essential for the evalua-  
18 tion and treatment of ocular sensory injuries and ensure  
19 that centers of excellence established under subsection (a)  
20 are staffed with such personnel at the level required for  
21 the enduring medical support of each such center.

22 (e) REPORT.—Not later than December 31, 2022, the  
23 Secretary of Defense shall submit to the Committees on  
24 Armed Services of the Senate and the House of Represent-  
25 atives a report that—

1           (1) describes the establishment of each center  
2 of excellence established under subsection (a), to in-  
3 clude the location, capability, and capacity of each  
4 center;

5           (2) describes the referral policy published by  
6 the Defense Health Agency under subsection (c);

7           (3) identifies the medical personnel billets iden-  
8 tified under subsection (d); and

9           (4) Provides a plan for staffing of personnel at  
10 such centers to ensure the enduring medical support  
11 of each such center.

12       (f) **MILITARY MEDICAL CENTER DEFINED.**—In this  
13 section, the term “military medical center” means a med-  
14 ical center described in section 1073d(b) of title 10,  
15 United States Code.

16 **SEC. 724. MANDATORY TRAINING ON HEALTH EFFECTS OF**  
17 **BURN PITS.**

18       The Secretary of Defense shall provide to each med-  
19 ical provider of the Department of Defense mandatory  
20 training with respect to the potential health effects of burn  
21 pits.

1 **SEC. 725. REMOVAL OF REQUIREMENT FOR ONE YEAR OF**  
2 **PARTICIPATION IN CERTAIN MEDICAL AND**  
3 **LIFESTYLE INCENTIVE PROGRAMS OF THE**  
4 **DEPARTMENT OF DEFENSE TO RECEIVE BEN-**  
5 **EFITS UNDER SUCH PROGRAMS.**

6 Section 729 of the National Defense Authorization  
7 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.  
8 1073 note) is amended—

9 (1) in subsection (a)(1), by striking, “in the  
10 previous year”;

11 (2) in subsection (b), by striking, “in the pre-  
12 vious year”; and

13 (3) in subsection (c), by striking, “in the pre-  
14 vious year”.

15 **SEC. 726. AUTHORITY OF SECRETARY OF DEFENSE AND**  
16 **SECRETARY OF VETERANS AFFAIRS TO**  
17 **ENTER INTO AGREEMENTS FOR PLANNING,**  
18 **DESIGN, AND CONSTRUCTION OF FACILITIES**  
19 **TO BE OPERATED AS SHARED MEDICAL FA-**  
20 **CILITIES.**

21 (a) AUTHORITY OF SECRETARY OF DEFENSE.—

22 (1) IN GENERAL.—Chapter 55 of title 10,  
23 United States Code, is amended by inserting after  
24 section 1104 the following new section:

1 **“§ 1104a. Shared medical facilities with Department**  
2 **of Veterans Affairs**

3 “(a) AGREEMENTS.—Secretary of Defense may enter  
4 into agreements with the Secretary of Veterans Affairs for  
5 the planning, design, and construction of facilities to be  
6 operated as shared medical facilities.

7 “(b) TRANSFER OF FUNDS BY SECRETARY OF DE-  
8 FENSE.—(1) The Secretary of Defense may transfer to  
9 the Secretary of Veterans Affairs amounts as follows:

10 “(A) For the construction of a shared medical  
11 facility, amounts not in excess of the amount author-  
12 ized under subsection (a)(2) of section 2805 of this  
13 title, if—

14 “(i) the amount of the share of the De-  
15 partment of Defense for the estimated cost of  
16 the project does not exceed the amount author-  
17 ized under such subsection; and

18 “(ii) the other requirements of such section  
19 have been met with respect to funds identified  
20 for transfer.

21 “(B) For the planning, design, and construction  
22 of space for a shared medical facility, amounts ap-  
23 propriated for the Defense Health Program.

24 “(2) The authority to transfer funds under this sec-  
25 tion is in addition to any other authority to transfer funds  
26 available to the Secretary of Defense.

1           “(3) Section 2215 of this title does not apply to a  
2 transfer of funds under this subsection.

3           “(c) TRANSFER OF FUNDS TO SECRETARY OF DE-  
4 FENSE.—(1) Any amount transferred to the Secretary of  
5 Defense by the Secretary of Veterans Affairs for necessary  
6 expenses for the planning, design, and construction of a  
7 shared medical facility, if the amount of the share of the  
8 Department of Defense for the cost of such project does  
9 not exceed the amount specified in section 2805(a)(2) of  
10 this title, may be credited to accounts of the Department  
11 of Defense available for the construction of a shared med-  
12 ical facility.

13           “(2) Any amount transferred to the Secretary of De-  
14 fense by the Secretary of Veterans Affairs for the purpose  
15 of the planning and design of space for a shared medical  
16 facility may be credited to accounts of the Department of  
17 Defense available for such purposes, and may be used for  
18 such purposes.

19           “(3) Using accounts credited with transfers from the  
20 Secretary of Veterans Affairs under paragraph (1), the  
21 Secretary of Defense may carry out unspecified minor  
22 military construction projects, if the share of the Depart-  
23 ment of Defense for the cost of such project does not ex-  
24 ceed the amount specified in section 2805(a)(2) of this  
25 title.

1           “(d) MERGER OF AMOUNTS TRANSFERRED.—Any  
2 amount transferred to the Secretary of Veterans Affairs  
3 under subsection (b) and any amount transferred to the  
4 Secretary of Defense under subsection (c) shall be merged  
5 with and available for the same purposes and the same  
6 period as the appropriation or fund to which transferred.

7           “(e) APPROPRIATION IN ADVANCE.—Amounts may  
8 be transferred pursuant to the authority under this section  
9 only to the extent and in the amounts provided in advance  
10 in appropriations Acts.

11           “(f) SHARED MEDICAL FACILITY DEFINED.—In this  
12 section, the term ‘shared medical facility’—

13                 “(1) means a building or buildings, or a cam-  
14 pus, intended to be used by both the Department of  
15 Veterans Affairs and the Department of Defense for  
16 the provision of health care services, whether under  
17 the jurisdiction of the Secretary of Veterans Affairs  
18 or the Secretary of Defense, and whether or not lo-  
19 cated on a military installation or on real property  
20 under the jurisdiction of the Secretary of Veterans  
21 Affairs; and

22                 “(2) includes any necessary building and auxil-  
23 iary structure, garage, parking facility, mechanical  
24 equipment, abutting and covered sidewalks, and ac-  
25 commodations for attending personnel.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 55 of such title is  
3           amended by inserting after the item relating to sec-  
4           tion 1104 the following new item:

“1104a. Shared medical facilities with Department of Veterans Affairs.”.

5           (b) AUTHORITY OF SECRETARY OF VETERANS AF-  
6           FAIRS.—

7           (1) IN GENERAL.—Chapter 81 of title 38,  
8           United States Code, is amended by inserting after  
9           section 8111A the following new section:

10   **“§ 8111B. Shared medical facilities with Department**  
11                                   **of Defense**

12           “(a) AGREEMENTS.—The Secretary of Veterans Af-  
13           fairs may enter into agreements with the Secretary of De-  
14           fense for the planning, design, and construction of facili-  
15           ties to be operated as shared medical facilities.

16           “(b) TRANSFER OF FUNDS BY SECRETARY OF VET-  
17           ERANS AFFAIRS.—(1) The Secretary of Veterans Affairs  
18           may transfer to the Department of Defense amounts ap-  
19           propriated to the Department of Veterans Affairs for  
20           ‘Construction, minor projects’ for use for the planning, de-  
21           sign, or construction of a shared medical facility if the  
22           estimated share of the project costs of the Department  
23           of Veterans Affairs does not exceed the amount specified  
24           in section 8104(a)(3)(A) of this title.

1           “(2) The Secretary of Veterans Affairs may transfer  
2 to the Department of Defense amounts appropriated to  
3 the Department of Veterans Affairs for ‘Construction,  
4 major projects’ for use for the planning, design, or con-  
5 struction of a shared medical facility if—

6           “(A) the estimated share of the project costs of  
7 the Department of Veterans Affairs exceeds the  
8 amount specified in section 8104(a)(3)(A) of this  
9 title; and

10           “(B) the other requirements of section 8104 of  
11 this title have been met with respect to amounts  
12 identified for transfer.

13           “(c) TRANSFER OF FUNDS TO SECRETARY OF VET-  
14 ERANS AFFAIRS.—(1) Any amount transferred to the Sec-  
15 retary of Veterans Affairs by the Secretary of Defense for  
16 necessary expenses for the planning, design, or construc-  
17 tion of a shared medical facility, if the estimated share  
18 of the project costs of the Department of Veterans Affairs  
19 does not exceed the amount specified in section  
20 8104(a)(3)(A) of this title, may be credited to the ‘Con-  
21 struction, minor projects’ account of the Department of  
22 Veterans Affairs and used for the necessary expenses of  
23 constructing such shared medical facility.

24           “(2) Any amount transferred to the Secretary of Vet-  
25 erans Affairs by the Secretary of Defense for necessary

1 expenses for the planning, design, or construction of a  
2 shared medical facility, if the estimated share of the  
3 project costs of the Department of Veterans Affairs ex-  
4 ceeds the amount specified in section 8104(a)(3)(A) of  
5 this title, may be credited to the ‘Construction, major  
6 projects’ account of the Department of Veterans Affairs  
7 and used for the necessary expenses of constructing such  
8 shared medical facility if the other requirements of section  
9 8104 of this title have been met with respect to amounts  
10 identified for transfer.

11 “(d) MERGER OF AMOUNTS TRANSFERRED.—Any  
12 amount transferred to the Secretary of Defense under sub-  
13 section (b) and any amount transferred to the Secretary  
14 of Veterans Affairs under subsection (c) shall be merged  
15 with and available for the same purposes and the same  
16 period as the appropriation or fund to which transferred.

17 “(e) APPROPRIATION IN ADVANCE.—Amounts may  
18 be transferred pursuant to the authority under this section  
19 only to the extent and in the amounts provided in advance  
20 in appropriations Acts.

21 “(f) SHARED MEDICAL FACILITY DEFINED.—In this  
22 section, the term ‘shared medical facility’—

23 “(1) means a building or buildings, or a cam-  
24 pus, intended to be used by both the Department of  
25 Veterans Affairs and the Department of Defense for

1 the provision of health care services, whether under  
 2 the jurisdiction of the Secretary of Veterans Affairs  
 3 or the Secretary of Defense, and whether or not lo-  
 4 cated on a military installation or on real property  
 5 under the jurisdiction of the Secretary of Veterans  
 6 Affairs; and

7 “(2) includes any necessary building and auxil-  
 8 iary structure, garage, parking facility, mechanical  
 9 equipment, abutting and covered sidewalks, and ac-  
 10 commodations for attending personnel.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
 12 tions at the beginning of subchapter I of chapter 81  
 13 of such title is amended by inserting after the item  
 14 relating to section 8111A the following new item:

“8111B. Shared medical facilities with Department of Defense.”.

15 **SEC. 727. CONSISTENCY IN ACCOUNTING FOR MEDICAL RE-**  
 16 **IMBURSEMENTS RECEIVED BY MILITARY**  
 17 **MEDICAL TREATMENT FACILITIES FROM**  
 18 **OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Section 1085 of title 10, United  
 20 States Code, is amended—

21 (1) in the section heading, by striking “**reim-**  
 22 **bursement**” and inserting “**charges for care**”;

23 (2) by striking “If a member” and inserting  
 24 “(a) COLLECTION OF FEES.—(1) If a member”;

1           (3) in subsection (a), as designated by para-  
2           graph (2)—

3           (A) by striking “inpatient medical or den-  
4           tal care in a facility” and inserting “inpatient  
5           or outpatient medical or dental care at or  
6           through a facility”;

7           (B) by striking “the appropriation for”  
8           and inserting “the executive department”;

9           (C) by striking “shall be reimbursed” and  
10          inserting “shall charge and collect fees”; and

11          (D) by adding at the end the following new  
12          paragraph:

13          “(2) Amounts collected by an executive department  
14          under paragraph (1) shall be credited to the appropriation  
15          account currently available for obligation that is used to  
16          support the maintenance and operation of facilities at or  
17          through which the executive department provided the med-  
18          ical or dental care described in such paragraph.”; and

19          (4) by adding at the end the following new sub-  
20          sections:

21          “(b) ESTABLISHMENT OF RATES.—(1) If an execu-  
22          tive department incurs expenses in providing medical or  
23          dental care described in paragraph (2) or (3), the execu-  
24          tive department may charge and collect fees at rates estab-  
25          lished by the Secretary of such department to reflect the

1 cost of providing or making available the care, as deter-  
2 mined by such Secretary.

3 “(2) The care described in this paragraph is inpatient  
4 or outpatient medical or dental care provided at or  
5 through a facility under the jurisdiction of the Secretary  
6 of Defense to a person who is entitled to receive medical  
7 or dental care at a facility under the jurisdiction of an-  
8 other Federal agency.

9 “(3) The care described in this paragraph is inpatient  
10 or outpatient medical or dental care provided at or  
11 through a facility under the jurisdiction of a Federal agen-  
12 cy that is not the Department of Defense to a person  
13 who—

14 “(A) is entitled to receive medical or dental care  
15 at a facility under the jurisdiction of the Secretary  
16 of Defense under section 1074 of this title; or

17 “(B) is a covered beneficiary, as that term is  
18 defined in section 1072 of this title.

19 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Au-  
20 thority provided by subsections (a)(1) and (b) may be ex-  
21 ercised—

22 “(1) in conjunction with authority for  
23 healthcare resource sharing provided to the Sec-  
24 retary of Defense and the Secretary of Veterans Af-  
25 fairs for the mutually beneficial coordination, use, or

1 exchange of use of health care resources under sec-  
2 tion 1104 of this title and section 8111 of title 38;  
3 and

4 “(2) in lieu of and notwithstanding section  
5 717(c)(2) of the National Defense Authorization Act  
6 for Fiscal Year 2017 (Public Law 114–328; 10  
7 U.S.C. 1071 note).”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 55 of title 10, United States  
10 Code, is amended by striking the item relating to section  
11 1085 and inserting the following new item:

“1085. Medical and dental care from another executive department: charges for  
care.”.

12 **Subtitle C—Reports and Other**  
13 **Matters**

14 **SEC. 741. ACCESS BY UNITED STATES GOVERNMENT EM-**  
15 **PLOYEES AND THEIR FAMILY MEMBERS TO**  
16 **CERTAIN FACILITIES OF DEPARTMENT OF**  
17 **DEFENSE FOR ASSESSMENT AND TREATMENT**  
18 **OF ANOMALOUS HEALTH CONDITIONS.**

19 (a) ASSESSMENT.—The Secretary of Defense shall  
20 provide to employees of the United States Government and  
21 their family members who the Secretary determines are  
22 experiencing symptoms of certain anomalous health condi-  
23 tions, as defined by the Secretary for purposes of this sec-  
24 tion, timely access for medical assessment, subject to

1 space availability, to the National Intrepid Center of Ex-  
2 cellence, an Intrepid Spirit Center, or an appropriate mili-  
3 tary medical treatment facility, as determined by the Sec-  
4 retary.

5 (b) TREATMENT.—With respect to an individual de-  
6 scribed in subsection (a) diagnosed with an anomalous  
7 health condition or a related affliction, whether diagnosed  
8 under an assessment under subsection (a) or otherwise,  
9 the Secretary of Defense shall furnish to the individual  
10 treatment for the condition or affliction, subject to space  
11 availability, at the National Intrepid Center of Excellence,  
12 an Intrepid Spirit Center, or an appropriate military med-  
13 ical treatment facility, as determined by the Secretary.

14 (c) DEVELOPMENT OF PROCESS.—The Secretary of  
15 Defense, in consultation with the heads of such Federal  
16 agencies as the Secretary considers appropriate, shall de-  
17 velop a process to ensure that employees from those agen-  
18 cies and their family members are afforded timely access  
19 to the National Intrepid Center of Excellence, an Intrepid  
20 Spirit Center, or an appropriate military medical treat-  
21 ment facility pursuant to subsection (a) by not later than  
22 60 days after the date of the enactment of this Act.

23 (d) MODIFICATION OF DEPARTMENT OF DEFENSE  
24 TRAUMA REGISTRY.—The Secretary of Defense shall  
25 modify the Trauma Registry of the Department of De-

1 fense to include data on the demographics, condition-pro-  
2 ducing event, diagnosis and treatment, and outcomes of  
3 anomalous health conditions experienced by employees of  
4 the United States Government and their family members  
5 assessed or treated under this section, subject to an agree-  
6 ment by the employing agency and the consent of the em-  
7 ployee.

8 **SEC. 742. EXTENSION OF AUTHORITY FOR JOINT DEPART-**  
9 **MENT OF DEFENSE-DEPARTMENT OF VET-**  
10 **ERANS AFFAIRS MEDICAL FACILITY DEM-**  
11 **ONSTRATION FUND.**

12 Section 1704(e) of the National Defense Authoriza-  
13 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
14 Stat. 2567), as most recently amended by section 732 of  
15 the National Defense Authorization Act for Fiscal Year  
16 2020 (Public Law 116–92; 133 Stat. 1460)), is amended  
17 by striking “September 30, 2021” and inserting “Sep-  
18 tember 30, 2023”.

19 **SEC. 743. COMPTROLLER GENERAL STUDY ON IMPLEMEN-**  
20 **TATION BY DEPARTMENT OF DEFENSE OF**  
21 **RECENT STATUTORY REQUIREMENTS TO RE-**  
22 **FORM THE MILITARY HEALTH SYSTEM.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Comptroller General of  
25 the United States shall conduct a study on the im-

1       plementation by the Department of Defense of stat-  
2       utory requirements to reform the military health sys-  
3       tem contained in a covered Act.

4               (2) ELEMENTS.—The study required by para-  
5       graph (1) shall include the following elements:

6               (A) A compilation of a list of, and citation  
7       for, each statutory requirement on reform of  
8       the military health system contained in a cov-  
9       ered Act.

10              (B) An assessment of the extent to which  
11       such requirement was implemented, or is cur-  
12       rently being implemented.

13              (C) An evaluation of the actions taken by  
14       the Department of Defense to assess and deter-  
15       mine the effectiveness of actions taken pursuant  
16       to such requirement.

17              (D) Such other matters in connection with  
18       the implementation of such requirement as the  
19       Comptroller General considers appropriate.

20       (b) BRIEFING AND REPORT.—

21              (1) BRIEFING.—Not later than May 1, 2022,  
22       the Comptroller General shall brief the Committees  
23       on Armed Services of the Senate and the House of  
24       Representatives on the status of the study conducted  
25       under subsection (a).

1           (2) REPORT.—Not later than May 1, 2023, the  
2           Comptroller General shall submit to the Committees  
3           on Armed Services of the Senate and the House of  
4           Representatives a report on the study conducted  
5           under subsection (a) that includes the elements spec-  
6           ified in paragraph (2) of such subsection.

7           (c) COVERED ACT DEFINED.—In this section, the  
8           term “covered Act” means any of the following:

9           (1) The William M. (Mac) Thornberry National  
10          Defense Authorization Act for Fiscal Year 2021  
11          (Public Law 116–283).

12          (2) The National Defense Authorization Act for  
13          Fiscal Year 2020 (Public Law 116–92).

14          (3) The John S. McCain National Defense Au-  
15          thorization Act for Fiscal Year 2019 (Public Law  
16          115–232).

17          (4) The National Defense Authorization Act for  
18          Fiscal Year 2018 (Public Law 115–91).

19          (5) The National Defense Authorization Act for  
20          Fiscal Year 2017 (Public Law 114–328).

21          (6) The National Defense Authorization Act for  
22          Fiscal Year 2016 (Public Law 114–92).

23          (7) The Carl Levin and Howard P. “Buck”  
24          McKeon National Defense Authorization Act for  
25          Fiscal Year 2015 (Public Law 113–291).

1 (8) The National Defense Authorization Act for  
2 Fiscal Year 2014 (Public Law 113–66).

3 (9) The National Defense Authorization Act for  
4 Fiscal Year 2013 (Public Law 112–239).

5 (10) The National Defense Authorization Act  
6 for Fiscal Year 2012 (Public Law 112–81).

7 **TITLE VIII—ACQUISITION POL-**  
8 **ICY, ACQUISITION MANAGE-**  
9 **MENT, AND RELATED MAT-**  
10 **TERS**

11 **Subtitle A—Acquisition Policy and**  
12 **Management**

13 **SEC. 801. REPEAL OF PREFERENCE FOR FIXED-PRICE CON-**  
14 **TRACTS.**

15 Section 829 of the National Defense Authorization  
16 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.  
17 2306 note) is hereby repealed.

18 **SEC. 802. IMPROVING THE USE OF AVAILABLE DATA TO**  
19 **MANAGE AND FORECAST SERVICE CONTRACT**  
20 **REQUIREMENTS.**

21 (a) **IMPLEMENTATION REQUIRED.**—Not later than  
22 180 days after the date of the enactment of this Act, the  
23 Secretary of the Air Force and the Secretary of the Navy  
24 shall, except as provided under subsection (b), commence  
25 implementation of priority recommendation number 1 and

1 priority recommendation number 2, respectively, in the  
2 Government Accountability Office report entitled, “DOD  
3 Service Acquisition: Improved Use of Available Data  
4 Needed to Better Manage and Forecast Service Contract  
5 Requirements” (GAO-16-119).

6 (b) EXCEPTIONS.—

7 (1) DELAYED IMPLEMENTATION.—The Sec-  
8 retary of the Air Force or the Secretary of the Navy,  
9 as appropriate, may commence implementation of an  
10 open recommendation described in subsection (a)  
11 later than the date required under such subsection  
12 if, not later than 180 days after the date of the en-  
13 actment of this Act, the Secretary concerned pro-  
14 vides the Committees on Armed Services of the Sen-  
15 ate and the House of Representatives with justifica-  
16 tion for the delay in implementation of such rec-  
17 ommendation.

18 (2) NONIMPLEMENTATION.—The Secretary of  
19 the Air Force or the Secretary of the Navy, as ap-  
20 propriate, may opt not to implement an open rec-  
21 ommendation described in subsection (a) if, not later  
22 than 180 days after the date of the enactment of  
23 this Act, the Secretary concerned provides the Com-  
24 mittees on Armed Services of the Senate and the  
25 House of Representatives—

1 (A) the reasons for the decision not to im-  
2 plement the recommendation; and

3 (B) a summary of the alternate actions the  
4 Secretary plans to address the purposes under-  
5 lying the recommendation.

6 (c) IMPLEMENTATION PLANS.—As to a recommenda-  
7 tion described in subsection (a) that the Secretary of the  
8 Air Force or the Secretary of the Navy, as appropriate,  
9 is implementing or plans to implement, the Secretary con-  
10 cerned shall, not later than 180 days after the date of  
11 the enactment of this Act, submit to the Committees on  
12 Armed Services of the Senate and the House of Represent-  
13 atives—

14 (1) a summary of actions that have been taken  
15 to implement the recommendation; and

16 (2) a schedule, with specific milestones, for  
17 completing implementation of the recommendation.

18 (d) ACTION BY SECRETARY OF DEFENSE.—The Sec-  
19 retary of Defense shall establish a mechanism to ensure  
20 that the integration of services into the programming  
21 process and the development of forecasts on service con-  
22 tract spending provide Department leaders with consistent  
23 data.

24 (e) AMENDMENTS.—Section 2329 of title 10, United  
25 States Code, is amended—

1           (1) in subsection (b)(5) by striking “be included  
2           in the future-years defense program submitted to  
3           Congress under section 221 of this title” and insert-  
4           ing “include the fiscal year and the period covered  
5           by the future-years defense program submitted to  
6           Congress under section 221 of this title for that fis-  
7           cal year”;

8           (2) in subsection (c)(3)(C) by striking “after  
9           the date of the enactment of this subsection” and in-  
10          serting “after December 12, 2017”;

11          (3) in subsection (d)—

12                 (A) by inserting “(1)” before “Each Serv-  
13                 ices Requirements Review Board”; and

14                 (B) by adding at the end the following new  
15                 paragraph:

16           “(2) The Secretary of Defense shall develop and dis-  
17           seminate standard guidelines within the Department of  
18           Defense for the evaluation of requirements for services  
19           contracts.”; and

20          (4) in subsection (g)(3) by striking “dated Jan-  
21           uary 5, 2016” and inserting “dated January 10,  
22           2020”.

23          (f) REPEAL OF OBSOLETE REQUIREMENT.—

24                 (1) IN GENERAL.—Section 235 of title 10,  
25                 United States Code, is repealed.

1           (2) CONFORMING AMENDMENT.—The table of  
2 sections at the beginning of chapter 9 of title 10,  
3 United States Code, is amended by striking the item  
4 relating to section 235.

5 **SEC. 803. ASSESSMENT OF IMPEDIMENTS AND INCENTIVES**  
6 **TO IMPROVING THE ACQUISITION OF COM-**  
7 **MERCIAL TECHNOLOGY, PRODUCTS, AND**  
8 **SERVICES.**

9           (a) ASSESSMENT REQUIRED.—The Under Secretary  
10 of Defense for Acquisition and Sustainment and the  
11 Chairman of the Joint Requirements Oversight Council  
12 (JROC) shall jointly assess impediments and incentives to  
13 fulfilling the goals of sections 1906, 1907, and 3307 of  
14 title 41, United States Code, and sections 2375, 2376, and  
15 2377 of title 10, United States Code, regarding pref-  
16 erences for commercial products and services.

17           (b) ASSESSMENT OBJECTIVE.—The objective of the  
18 assessment is to enhance the innovation strategy of the  
19 Department of Defense to compete effectively against peer  
20 adversaries by rapidly adopting commercial advances in  
21 technology.

22           (c) ELEMENTS OF ASSESSMENT.—The assessment  
23 shall include a review of—

24           (1) policies, regulations, and oversight proc-  
25 esses;

1           (2) acquisition workforce training and edu-  
2 cation;

3           (3) the role of requirements in determining ac-  
4 quisitions pathways, including the ability to accom-  
5 modate evolving commercial functionality, new op-  
6 portunities identified during market research, and  
7 how phasing and uncertainty in requirements are  
8 treated;

9           (4) the role of competitive procedures and  
10 source selection procedures, including the ability to  
11 structure acquisitions to accommodate multiple or  
12 unequal solutions;

13           (5) the role of planning, programming, and  
14 budgeting structures and processes, including appro-  
15 priations categories;

16           (6) systemic biases in favor of custom solutions;

17           (7) risk to contracting officers and acquiring of-  
18 ficials of pursuing commercial products and services,  
19 and incentives and disincentives for acquisition orga-  
20 nizations; and

21           (8) potential reforms that do not impose addi-  
22 tional burdensome and time-consuming constraints  
23 on the acquisition process.

24           (d) BRIEFING.—Not later than 120 days after the  
25 date of the enactment of this Act, the Under Secretary

1 and the Chairman of JROC shall brief the congressional  
2 defense committees on the results of the required assess-  
3 ment and actions undertaken to improve compliance with  
4 the statutory preference for commercial products and serv-  
5 ices, including any recommendations to Congress for legis-  
6 lative action.

7 **SEC. 804. PILOT PROGRAM ON ACQUISITION PRACTICES**  
8 **FOR EMERGING TECHNOLOGIES.**

9 (a) IN GENERAL.—Not later than 180 days after the  
10 date of the enactment of this Act, the Secretary of De-  
11 fense, acting through the Under Secretary of Defense for  
12 Acquisition and Sustainment or the Under Secretary’s  
13 designee, shall establish a pilot program to develop and  
14 implement unique acquisition mechanisms for emerging  
15 technologies in order to increase the speed of transition  
16 of emerging technologies into acquisition programs or into  
17 operational use.

18 (b) ELEMENTS.—The pilot program shall include ac-  
19 tivities to—

20 (1) identify and award not less than four agree-  
21 ments for new projects to support high-priority de-  
22 fense modernization activities, consistent with the  
23 National Defense Strategy, with consideration given  
24 to—

25 (A) offensive missile capabilities;

1 (B) space-based assets;

2 (C) personnel and quality of life improve-  
3 ment; and

4 (D) energy generation and storage;

5 (2) develop a unique acquisition plan for each  
6 new project identified pursuant to paragraph (1)  
7 that is significantly novel from standard Department  
8 of Defense acquisition practices, including the use  
9 of—

10 (A) alternative price evaluation models;

11 (B) alternative independent cost estimation  
12 methodologies;

13 (C) alternative market research methods;

14 (D) continuous assessment of performance  
15 metrics to measure project value for use in pro-  
16 gram management and oversight;

17 (E) alternative intellectual property strate-  
18 gies, including activities to support modular  
19 open systems architectures and reducing life  
20 cycle and sustainment costs; and

21 (F) other alternative practices as identified  
22 by the Secretary;

23 (3) execute the acquisition plans outlined in  
24 paragraph (2) and award agreements in an expe-  
25 dited manner; and

1           (4) establish mechanisms for projects under the  
2 pilot program to request permission to waive appro-  
3 priate Department, military service, or defense agen-  
4 cy regulations, directives, or policies not required by  
5 law, to support the goals of the pilot program, in-  
6 cluding waivers of acquisition, personnel, and tech-  
7 nology transfer policies and practices.

8           (c) PROJECT CANCELLATION.—The Secretary of De-  
9 fense may establish procedures to terminate agreements  
10 awarded under the pilot program, including processes to  
11 notify the congressional defense committees 30 days prior  
12 to a termination.

13           (d) PILOT PROGRAM ADVISORY GROUP.—The Under  
14 Secretary shall establish a pilot program advisory group  
15 to advise the Under Secretary on the selection, manage-  
16 ment, elements, data collection, and termination of  
17 projects, to include at least—

18           (1) one member from each military department,  
19 appointed by the Secretary of the military depart-  
20 ment concerned;

21           (2) one member appointed by the Under Sec-  
22 retary of Defense for Research and Engineering;

23           (3) one member appointed by the Under Sec-  
24 retary of Defense for Acquisition and Sustainment;

1           (4) one member appointed by the Director of  
2           the Strategic Capabilities Office of the Department  
3           of Defense;

4           (5) one member appointed by the Director of  
5           the Defense Advanced Research Projects Agency;  
6           and

7           (6) one member appointed by the Director of  
8           Operational Test and Evaluation.

9           (e) DEADLINE FOR APPOINTMENT.—Members of the  
10          advisory group shall be appointed not later than 30 days  
11          after the date of the establishment of the pilot program  
12          under subsection (a).

13          (f) INFORMATION TO CONGRESS.—

14               (1) BRIEFING REQUIREMENT.—Not later than  
15               180 days after the date of the enactment of this Act,  
16               and not less than annually thereafter, the Secretary  
17               shall provide to the congressional defense commit-  
18               tees a briefing on activities under this section.

19               (2) BUDGET JUSTIFICATION MATERIALS.—The  
20               Secretary shall establish procedures to clearly iden-  
21               tify all projects under the pilot program in budget  
22               justification materials submitted to the congressional  
23               defense committees.

24          (g) DATA REQUIREMENTS.—

1           (1) COLLECTION AND ANALYSIS OF DATA.—The  
2           Secretary shall establish mechanisms to collect and  
3           analyze data on the execution of the pilot program  
4           for the purpose of—

5                   (A) developing and sharing best practices  
6                   for achieving goals established for the pilot pro-  
7                   gram;

8                   (B) providing information to the Secretary  
9                   and the congressional defense committees on  
10                  the execution of the pilot; and

11                  (C) providing information to the Secretary  
12                  and the congressional defense committees on re-  
13                  lated policy issues.

14           (2) DATA STRATEGY REQUIRED.—The Sec-  
15           retary may not execute the pilot program prior to  
16           completion of a data strategy and plan to meet the  
17           requirements of this subsection.

18           (h) TERMINATION.—The pilot program established  
19           under this subsection shall terminate after all the projects  
20           identified under subsection (b)(1) have been completed or  
21           cancelled by the Department of Defense.

1 **SEC. 805. ANNUAL REPORT ON HIGHEST AND LOWEST PER-**  
2 **FORMING ACQUISITION PROGRAMS OF THE**  
3 **DEPARTMENT OF DEFENSE.**

4 (a) IN GENERAL.—Not later than January 31, 2023,  
5 and annually thereafter, the Secretary of Defense shall  
6 submit to the congressional defense committees a report  
7 that contains a ranking of the five highest performing and  
8 five lowest performing covered acquisition programs of the  
9 Department of Defense.

10 (b) RANKING CRITERIA.—

11 (1) IN GENERAL.—The Secretary of Defense, in  
12 consultation with the Under Secretary of Defense  
13 for Acquisition and Sustainment, the Service Acqui-  
14 sition Executives, and other appropriate officials,  
15 shall determine the criteria to be used for purposes  
16 of the rankings.

17 (2) INCLUSION IN REPORT.—The Secretary of  
18 Defense shall include in the report submitted under  
19 subsection (a) a discussion of the specific ranking  
20 criteria determined under paragraph (2), including a  
21 description of how those criteria are consistent with  
22 best acquisition practices.

23 (c) LOWEST PERFORMING ACQUISITION PRO-  
24 GRAMS.—Not later than April 1, 2023, and annually  
25 thereafter, the decision authority for each of the five ac-  
26 quisition programs ranked as the lowest performing in the

1 report submitted under subsection (a) for that year shall  
2 submit to the congressional defense committees a report  
3 that includes the following information for that acquisition  
4 program:

5 (1) A description of the factors that contributed  
6 to the program's ranking as low performing.

7 (2) An assessment of the underlying causes of  
8 the program's poor performance.

9 (3) A plan for addressing the program's chal-  
10 lenges and improving performance, including specific  
11 actions that will be taken and proposed timelines for  
12 completing such actions.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “covered acquisition program”  
15 means—

16 (A) a major defense acquisition program  
17 as defined in section 2430 of title 10, United  
18 States Code; or

19 (B) an acquisition program, subprogram,  
20 or project that is estimated by the Secretary of  
21 Defense to require an eventual total expenditure  
22 described in section 2430(a)(1)(B) of title 10,  
23 United States Code.

24 (2) The term “decision authority” means the  
25 official within the Department of Defense designated

1 with the overall responsibility and authority for ac-  
2 quisition decisions for the program, subprogram, or  
3 project, including authority to approve entry of the  
4 program, subprogram, or project into the next phase  
5 of the acquisition process.

6 **SEC. 806. SYSTEMS ENGINEERING DETERMINATIONS.**

7 (a) IN GENERAL.—Chapter 139 of title 10, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing new section:

10 **“§ 2374b. Systems Engineering Determinations**

11 “(a) REQUIREMENT.—The Secretary of Defense shall  
12 ensure that any Department of Defense transaction en-  
13 tered into under an authority described in subsection (b)  
14 includes System Engineering Determinations as provided  
15 under subsection (c).

16 “(b) COVERED AUTHORITIES.—The authorities de-  
17 scribed under this subsection are as follows:

18 “(1) Section 2371 of this title for applied and  
19 advanced research project transactions relating to  
20 weapons systems.

21 “(2) Section 2371b of this title for transactions  
22 relating to weapons systems.

23 “(3) Section 2373 of this title.

24 “(4) Section 2358 of this title for transactions  
25 relating to weapons systems.

1 “(c) SYSTEMS ENGINEERING DETERMINATIONS.—

2 “(1) SYSTEMS ENGINEERING DETERMINATION

3 ‘A’.—(A) The head of the Department of Defense

4 activity that has technical oversight over a trans-

5 action covered under this section shall identify, in

6 writing, not later than 30 days after such trans-

7 action is entered into, measurable success criteria re-

8 lated to potential military applications to be dem-

9 onstrated not later than the final day of the trans-

10 action’s period of performance.

11 “(B) Not later than 30 days after the end of

12 the period of performance referred to in subpara-

13 graph (A), the head of activity shall make one of the

14 following determinations and document such action

15 in writing with notice provided to the performer:

16 “(i) ‘Discontinue’: Discontinue support,

17 with rationale noted.

18 “(ii) ‘Retain and extend’: Retain within the

19 activity and extend the period of performance

20 for a specified period of time in order to achieve

21 the stated success criteria.

22 “(iii) ‘Endorse and refer’: Endorse the

23 project and refer it to the most appropriate

24 Systems Engineering Command, based on the

25 technical attributes of the project and the asso-



1           “(iii) Discrete technical development activi-  
2 ties necessary to progress from the baseline ca-  
3 pability to the transition capability, including  
4 an approximate cost and schedule. Such activi-  
5 ties shall include a resolution of—

6                   “(I) interfaces;

7                   “(II) data rights;

8                   “(III) government technical require-  
9 ments;

10                  “(IV) specific platform technical inte-  
11 gration;

12                  “(V) software development;

13                  “(VI) component, subsystem, or sys-  
14 tem prototyping;

15                  “(VII) scale models;

16                  “(VIII) technical manuals;

17                  “(IX) lifecycle sustainment needs; and

18                  “(X) other needs identified by the  
19 Program Executive Officers.

20           “(iv) Identification and commitment of  
21 funding sources to complete the activities under  
22 clause (iii).

23           “(C) Not later than 30 days after the end of  
24 the schedule identified in subparagraph (B), the  
25 head of the Systems Engineering Command shall

1 make one of the following determinations and docu-  
2 ment such action in writing with notice provided to  
3 the performer and prospective Program Executive  
4 Officers:

5 “(i) ‘Discontinue’: Discontinue support  
6 with rationale noted.

7 “(ii) ‘Retain and extend’: Retain within the  
8 Command and extend the schedule for a speci-  
9 fied period of time in order to achieve stated  
10 transition criteria with specific remedial or ad-  
11 ditional activities noted.

12 “(iii) ‘Endorse and refer’: Endorse the item  
13 and refer to a Program Executive Officer,  
14 based on meeting or exceeding the transition  
15 criteria.

16 “(D) If the head of the Systems Engineering  
17 Command retained the project pursuant to subpara-  
18 graph (C)(ii), the head of the Systems Engineering  
19 Command shall, at the end of the extension period—

20 “(i) take the action prescribed in subpara-  
21 graph (C)(iii) if the transition criteria are met  
22 after such extension; or

23 “(ii) take the action prescribed in subpara-  
24 graph (C)(i) if the transition criteria are not  
25 met after such extension.

1           “(d) SYSTEMS ENGINEERING COMMAND DEFINED.—

2 In this section, the term ‘Systems Engineering Command’

3 means the specific Department of Defense activity that

4 specializes in the systems engineering of a system, sub-

5 system, component, or capability area, including—

6           “(1) the Naval Warfare Centers;

7           “(2) the Army Combat Capabilities Develop-  
8 ment Command Centers; and

9           “(3) the Air Force Research Laboratory.”.

10          (b) CLERICAL AMENDMENT.—The table of sections

11 at the beginning of chapter 139 of such title is amended

12 by adding after the item relating to section 2374a the fol-

13 lowing new item:

“2374b. Systems Engineering Determinations”.

14          (c) FUTURE TRANSFER.—

15           (1) TRANSFER AND REDESIGNATION.—Section

16 2374b of title 10, United States Code, as added by

17 subsection (a), is transferred to chapter 301 of such

18 title, added after section 4004, as transferred and

19 redesignated by section 1841(a) of the William M.

20 (Mac) Thornberry National Defense Authorization

21 Act for Fiscal Year 2021 (Public Law 116–283),

22 and redesignated as section 4005.

23           (2) CLERICAL AMENDMENTS.—

24           (A) TARGET CHAPTER TABLE OF SEC-

25 TIONS.—The table of sections at the beginning

1 of chapter 301 of title 10, United States Code,  
2 as added by section 1841(a) of the William M.  
3 (Mac) Thornberry National Defense Authoriza-  
4 tion Act for Fiscal Year 2021 (Public Law  
5 116–283), is amended by inserting after the  
6 item related to section 4004 the following new  
7 item:

“4005. Systems Engineering Determinations”.

8 (B) ORIGIN CHAPTER TABLE OF SEC-  
9 TIONS.—The table of sections at the beginning  
10 of chapter 139 of title 10, United States Code,  
11 as amended by subsection (a), is further  
12 amended by striking the item relating to section  
13 2374b.

14 (3) CONFORMING AMENDMENTS TO INTERNAL  
15 CROSS-REFERENCES.—Section 2374b(b) of title 10,  
16 United States Code, as added by subsection (a), is  
17 amended—

18 (A) in paragraph (1), by striking “section  
19 2371” and inserting “section 4002”;

20 (B) in paragraph (2), by striking “section  
21 2371b” and inserting “section 4003”; and

22 (C) in paragraph (3), by striking “section  
23 2373” and inserting “section 4004”.

1           (4) EFFECTIVE DATE.—The transfer, redesignig-  
2           nation, and amendments made by this subsection  
3           shall take effect on January 1, 2022.

4           (5) REFERENCES; SAVINGS PROVISION; RULE  
5           OF CONSTRUCTION.—Sections 1883 through 1885 of  
6           the William M. (Mac) Thornberry National Defense  
7           Authorization Act for Fiscal Year 2021 (Public Law  
8           116–283) shall apply with respect to the transfers,  
9           redesignations, and amendments made under this  
10          subsection as if such transfers, redesignations, and  
11          amendments were made under title XVIII of such  
12          Act.

13          (d) REGULATIONS.—Not later than 180 days after  
14          the date of the enactment of this Act, the Secretary of  
15          Defense shall prescribe regulations to carry out section  
16          4005 of title 10, United States Code, as added by sub-  
17          section (a) and transferred and redesignated by subsection  
18          (c).

19          (e) BRIEFING REQUIRED.—Not later than 60 days  
20          after the date of enactment of this Act, the Secretary of  
21          Defense shall provide a briefing to the Committees on  
22          Armed Services of the Senate and the House of Represent-  
23          atives with a detailed plan to implement this section.

1 **Subtitle B—Amendments to Gen-**  
2 **eral Contracting Authorities,**  
3 **Procedures, and Limitations**

4 **SEC. 811. RECOMMENDATIONS ON THE USE OF OTHER**  
5 **TRANSACTION AUTHORITY.**

6 (a) REVIEW AND RECOMMENDATIONS REQUIRED.—

7 The Secretary of Defense shall review the current use, au-  
8 thorities, regulations, and policies relative to the use of  
9 other transaction authority under sections 2371 and  
10 2371b of title 10, United States Code, and assess the mer-  
11 its of modifying or expanding such authorities with respect  
12 to—

13 (1) the inclusion in such transactions for the  
14 government and contractors to include force majeure  
15 provisions to deal with unforeseen circumstances in  
16 execution of the transaction;

17 (2) the determination of an entity's traditional  
18 or nontraditional status based on the entity's parent  
19 company or that of its majority owner;

20 (3) the determination of an entity's traditional  
21 or nontraditional status based on the entity's status  
22 as a 100-percent employee stock ownership plan;

23 (4) the ability of the Department of Defense to  
24 award agreements for prototypes with all of the  
25 costs of the prototype provided by the private sectors

1 partners, to allow for expedited transition into fol-  
2 low-on production agreements for appropriate tech-  
3 nologies;

4 (5) the ability of the Department of Defense to  
5 award agreements for procurement, including with-  
6 out the need for prototyping;

7 (6) the ability of the Department of Defense to  
8 award agreements for sustainment of capabilities, in-  
9 cluding without the need for prototyping;

10 (7) the ability of the Department of Defense to  
11 award agreements to support the organic industrial  
12 base;

13 (8) the ability of the Department of Defense to  
14 award agreements for prototyping of services or ac-  
15 quisition of services;

16 (9) the need for alternative authorities or poli-  
17 cies to more effectively and efficiently execute agree-  
18 ments with private sector consortia;

19 (10) the ability of the Department of Defense  
20 monitor and report on individual awards made under  
21 consortium-based other transactions; and

22 (11) other issues as identified by the Secretary.

23 (b) ISSUES IDENTIFIED AND RECOMMENDATIONS  
24 FOR CHANGES TO POLICIES OR AUTHORITIES.—For each  
25 of the areas under subsection (a), the Secretary shall—



1 the prime contractor agrees or proposes to make payments  
2 to the subcontractor” and inserting “if the prime con-  
3 tractor agrees to make payments to the subcontractor”.

4 **SEC. 813. EXCLUSION OF CERTAIN SERVICES FROM INTER-**  
5 **GOVERNMENTAL SUPPORT AGREEMENTS**  
6 **FOR INSTALLATION-SUPPORT SERVICES.**

7 Section 2679(a)(3) of title 10, United States Code,  
8 is amended—

9 (1) by striking “used when the Secretary con-  
10 cerned” and inserting “used when—

11 “(A) the Secretary concerned”;

12 (2) in subparagraph (A), as designated by para-  
13 graph (1), by striking the period at the end and in-  
14 serting “; and”; and

15 (3) by adding at the end the following new sub-  
16 paragraph:

17 “(B) the installation-support services are not  
18 included on the procurement list established pursu-  
19 ant to section 8503 of title 41.”.

20 **SEC. 814. MODIFICATION OF PRIZE AUTHORITY FOR AD-**  
21 **VANCED TECHNOLOGY ACHIEVEMENTS.**

22 Section 2374a of title 10, United States Code, is  
23 amended—

1 (1) in subsection (a), by inserting “, including  
2 procurement agreements,” after “other types of  
3 prizes”;

4 (2) in subsection (b), in the first sentence, by  
5 inserting “and for the selection of recipients of pro-  
6 curement agreements” after “cash prizes”; and

7 (3) in subsection (c)(1), by inserting “without  
8 the approval of the Under Secretary of Defense for  
9 Research and Engineering” before the period at the  
10 end.

11 **SEC. 815. COST OR PRICING DATA REPORTING IN DEPART-**  
12 **MENT OF DEFENSE CONTRACTS.**

13 Section 2306a(a)(6) of title 10, United States Code,  
14 as amended by the William M. (Mac) Thornberry National  
15 Defense Authorization Act for Fiscal Year 2021 (Public  
16 Law 116–283), is further amended—

17 (1) by striking “Upon the request of a con-  
18 tractor that was required to submit cost or pricing  
19 data under paragraph (1)” and inserting “Under  
20 paragraph (1),”; and

21 (2) by striking “modify the contract to reflect  
22 subparagraphs (B)(ii) and (C)(ii) of paragraph (1).  
23 All such modifications shall be made without requir-  
24 ing consideration” and inserting “modify the con-  
25 tract as soon as practicable to reflect subparagraphs

1 (B) and (C) of paragraph (1), without requiring con-  
2 sideration”.

3 **SEC. 816. AUTHORITY TO ACQUIRE INNOVATIVE COMMER-**  
4 **CIAL PRODUCTS AND SERVICES USING GEN-**  
5 **ERAL SOLICITATION COMPETITIVE PROCE-**  
6 **DURES.**

7 (a) AUTHORITY.—

8 (1) IN GENERAL.—Chapter 140 of title 10,  
9 United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 2380c. Authority to acquire innovative commercial**  
12 **products and services using general solici-**  
13 **itation competitive procedures**

14 “(a) AUTHORITY.—The Secretary of Defense may ac-  
15 quire innovative commercial products and services through  
16 a competitive selection of proposals resulting from a gen-  
17 eral solicitation and the peer review of such proposals.

18 “(b) TREATMENT AS COMPETITIVE PROCEDURES.—  
19 Use of general solicitation competitive procedures under  
20 subsection (a) shall be considered to be use of competitive  
21 procedures for purposes of chapter 137 of this title.

22 “(c) LIMITATIONS.—(1) The Secretary may not enter  
23 into a contract or agreement in excess of \$100,000,000  
24 using the authority under subsection (a) without a written  
25 determination from the Under Secretary of Defense for

1 Acquisition and Sustainment or the relevant service acqui-  
2 sition executive of the efficacy of the effort to meet mission  
3 needs of the Department of Defense or the relevant mili-  
4 tary department.

5 “(2) Contracts or agreements entered into using the  
6 authority under subsection (a) shall be fixed-price, includ-  
7 ing fixed-price incentive fee contracts.

8 “(3) Notwithstanding section 2376(1) of this title,  
9 products and services acquired using the authority under  
10 subsection (a) shall be treated as commercial products and  
11 services.

12 “(d) CONGRESSIONAL NOTIFICATION REQUIRED.—  
13 (1) Not later than 45 days after the award of a contract  
14 for an amount exceeding \$100,000,000 using the author-  
15 ity in subsection (a), the Secretary of Defense shall notify  
16 the congressional defense committees of such award.

17 “(2) Notice of an award under paragraph (1) shall  
18 include the following:

19 “(A) Description of the innovative commercial  
20 product or service acquired.

21 “(B) Description of the requirement, capability  
22 gap, or potential technological advancement with re-  
23 spect to which the innovative commercial product or  
24 service acquired provides a solution or a potential  
25 new capability.

1           “(C) Amount of the contract awarded.

2           “(D) Identification of contractor awarded the  
3 contract.

4           “(e) INNOVATIVE DEFINED.—In this section, the  
5 term ‘innovative’ means—

6           “(1) any technology, process, or method, includ-  
7 ing research and development, that is new as of the  
8 date of submission of a proposal; or

9           “(2) any application that is new as of the date  
10 of submission of a proposal of a technology, process,  
11 or method existing as of such date.”.

12           (2) CLERICAL AMENDMENT.—The table of sec-  
13 tions at the beginning of chapter 140 of title 10,  
14 United States Code, is amended by inserting after  
15 the item relating to section 2380b the following new  
16 item:

“2380e. Authority to acquire innovative commercial products and services using  
general solicitation competitive procedures.”.

17           (b) FUTURE TRANSFER.—

18           (1) TRANSFER AND REDESIGNATION.—Section  
19 2380e of title 10, United States Code, as added by  
20 subsection (a), is transferred to chapter 247 of such  
21 title, added after section 3457, as transferred and  
22 redesignated by section 1841(a) of the William M.  
23 (Mac) Thornberry National Defense Authorization

1 Act for Fiscal Year 2021 (Public Law 116–283),  
2 and redesignated as section 3458.

3 (2) CLERICAL AMENDMENTS.—

4 (A) TARGET CHAPTER TABLE OF SEC-  
5 TIONS.—The table of sections at the beginning  
6 of chapter 247 of title 10, United States Code,  
7 as added by section 1821(a) of the William M.  
8 (Mac) Thornberry National Defense Authoriza-  
9 tion Act for Fiscal Year 2021 (Public Law  
10 116–283), is amended by inserting after the  
11 item related to section 3457 the following new  
12 item:

“3458. Authority to acquire innovative commercial products and services using  
general solicitation competitive procedures.”.

13 (B) ORIGIN CHAPTER TABLE OF SEC-  
14 TIONS.—The table of sections at the beginning  
15 of chapter 140 of title 10, United States Code,  
16 as amended by subsection (a), is further  
17 amended by striking the item relating to section  
18 2380c.

19 (3) CONFORMING AMENDMENTS TO INTERNAL  
20 CROSS-REFERENCES.—Section 2380c of title 10,  
21 United States Code, as added by subsection (a), is  
22 amended—

23 (A) in subsection (b), by striking “chapter  
24 137” and inserting “chapter 221”; and

1 (B) in subsection (c)(3), by striking “sec-  
2 tion 2376(1)” and inserting “section 3451(1)”.

3 (4) EFFECTIVE DATE.—The transfer, redesi-  
4 nation, and amendments made by this subsection  
5 shall take effect on January 1, 2022.

6 (5) REFERENCES; SAVINGS PROVISION; RULE  
7 OF CONSTRUCTION.—Sections 1883 through 1885 of  
8 the William M. (Mac) Thornberry National Defense  
9 Authorization Act for Fiscal Year 2021 (Public Law  
10 116–283) shall apply with respect to the transfers,  
11 redesignations, and amendments made under this  
12 subsection as if such transfers, redesignations, and  
13 amendments were made under title XVIII of such  
14 Act.

15 (c) REPEAL OF OBSOLETE AUTHORITY.—Section  
16 879 of the National Defense Authorization Act for Fiscal  
17 Year 2017 (Public Law 114–328; 10 U.S.C. 2302 note)  
18 is hereby repealed.

19 **SEC. 817. REPORTING REQUIREMENT FOR DEFENSE ACQUI-**  
20 **SITION ACTIVITIES.**

21 (a) PROCEDURES FOR IDENTIFYING CERTAIN ACQUI-  
22 SITION AGREEMENTS AND ACTIVITIES.—The Secretary of  
23 Defense shall establish procedures to identify all agree-  
24 ments awarded to entities through the use of a consortia  
25 (including agreements pursuant to the authorities under

1 section 2371 and 2371b of title 10, United States Code),  
2 individual task orders awarded under a task order con-  
3 tract (as defined in section 2304d of title 10, United  
4 States Code), and individual task orders issued to a feder-  
5 ally funded research and development center.

6 (b) REPORTING.—Not later than one year after the  
7 date of the enactment of this Act, and not less than annu-  
8 ally thereafter, the Secretary of Defense shall submit to  
9 the congressional defense committees a report on the use  
10 of agreements and activities described in subsection (a)  
11 and associated funding.

12 (c) PUBLICATION OF INFORMATION.—Not later than  
13 one year after the date of enactment of this Act, the Sec-  
14 retary of Defense shall establish procedures to publically  
15 release information on individual agreements and activi-  
16 ties described in subsection (a) and associated funding,  
17 unless such disclosure is deemed inappropriate for indi-  
18 vidual agreements based on national security concerns.

19 **SEC. 818. DEPARTMENT OF DEFENSE CONTRACTOR PRO-**  
20 **FESSIONAL TRAINING MATERIAL DISCLO-**  
21 **SURE REQUIREMENTS.**

22 (a) PROHIBITION.—Effective immediately, each con-  
23 tractor who enters or has entered into a contract with the  
24 Department of Defense to provide goods or services shall  
25 make publicly available online at its website all diversity,

1 equal opportunity, equity, inclusion, or tolerance training  
2 materials or internal policies, including syllabi, online  
3 sources, suggested reading lists, guest speakers and lec-  
4 turers, instructor lists, internal policy memos, workshop  
5 descriptions, outside organizational funding, or other edu-  
6 cational or professional materials for review and identifica-  
7 tion of Critical Race Theory or similar theoretical instruc-  
8 tion in a timely manner. Should the contractor have no  
9 online presence, the contractor shall provide the materials  
10 in hard copy format to the Office of the Under Secretary  
11 of Defense for Acquisition and Sustainment in a timely  
12 manner.

13 (b) COVERED THEORIES.—The theories associated  
14 with Critical Race Theory and similar theories referred to  
15 in subsection (a) are the following theories:

16 (1) Any race is inherently superior or inferior  
17 to any other race.

18 (2) The United States of America is a fun-  
19 damentally racist country.

20 (3) The Declaration of Independence or the  
21 United States Constitution are fundamentally racist  
22 documents.

23 (4) An individual's moral character or worth is  
24 determined by his or her race.

1           (5) An individual, by virtue of his or her race,  
2           is inherently racist or oppressive, whether con-  
3           sciously or unconsciously.

4           (6) An individual, because of his or her race,  
5           bears responsibility for the actions committed by  
6           other members of his or her race.

7   **SEC. 819. REPORT ON PLACE OF PERFORMANCE REQUIRE-**  
8                                   **MENTS.**

9           (a) **GUIDANCE AND TRAINING.**—Not later than July  
10 1, 2022, the Secretary of Defense shall implement guid-  
11 ance and necessary training to improve data reporting on  
12 contract place of performance.

13          (b) **REPORT.**—

14           (1) **IN GENERAL.**—Not later than July 1, 2022,  
15           the Secretary of Defense shall submit to the con-  
16           gressional defense committees a report regarding  
17           place of performance requirements in Department of  
18           Defense contracts.

19           (2) **ELEMENTS.**—The report required under  
20           subsection (a) shall include the following elements:

21                   (A) A description of the criteria that is  
22                   considered when place of performance language  
23                   is included in a contract.

24                   (B) The percentage of contracts awarded  
25                   on a yearly basis from fiscal year 2016 to fiscal

1 year 2020 that included place of performance  
2 clauses.

3 (C) An assessment of the extent to which  
4 revisions to guidance or regulations related to  
5 the use of place of performance clauses could  
6 improve the Department of Defense's effective-  
7 ness and efficiency, including a description of  
8 such revisions.

9 **SEC. 820. MULTIYEAR CONTRACT AUTHORITY FOR DE-**  
10 **FENSE ACQUISITIONS SPECIFICALLY AU-**  
11 **THORIZED BY LAW.**

12 Section 2306b(i)(3) of title 10, United States Code,  
13 is amended by adding at the end the following new sub-  
14 paragraph:

15 “(H) The quantity of end items that would be  
16 procured with such contract in each fiscal year of  
17 the future years defense program at the time of con-  
18 tract award will not decrease during the contract pe-  
19 riod of performance without prior approval from the  
20 congressional defense committees.”.



1           “(17) Armor on tactical ground vehicles.

2           “(18) Graphite processing.”.

3 **SEC. 832. PROHIBITION ON ACQUISITION OF PERSONAL**  
4                   **PROTECTIVE EQUIPMENT FROM NON-ALLIED**  
5                   **FOREIGN NATIONS.**

6           (a) PROHIBITION.—

7           (1) IN GENERAL.—Chapter 137 of title 10,  
8           United States Code, is amended by adding at the  
9           end the following new section:

10 **“§ 2339d. Prohibition on acquisition of personal pro-**  
11                   **TECTIVE EQUIPMENT AND CERTAIN OTHER**  
12                   **ITEMS FROM NON-ALLIED FOREIGN NATIONS**

13           “(a) IN GENERAL.—Except as provided in subsection  
14 (c), the Secretary of Defense may not procure any covered  
15 item in any covered nation.

16           “(b) APPLICABILITY.—Subsection (a) shall apply to  
17 prime contracts and subcontracts at any tier.

18           “(c) EXCEPTIONS.—Subsection (a) does not apply  
19 under the following circumstances:

20           “(1) If the Secretary of Defense determines  
21 that covered materials of satisfactory quality and  
22 quantity, in the required form, cannot be procured  
23 as and when needed from nations other than covered  
24 nations to meet requirements at a reasonable price.

1           “(2) The procurement of a covered item for use  
2 outside of the United States.

3           “(3) Purchases for amounts not greater than  
4 \$150,000. A proposed purchase or contract for an  
5 amount greater than \$150,000 may not be divided  
6 into several purchases or contracts for lesser  
7 amounts in order to qualify for this exception.

8           “(d) DEFINITIONS.—In this section:

9           “(1) COVERED ITEM.—The term ‘covered item’  
10 means an article or item of—

11           “(A) personal protective equipment for use  
12 in preventing spread of disease, such as by ex-  
13 posure to infected individuals or contamination  
14 or infection by infectious material (including  
15 surgical masks, respirator masks and powered  
16 air purifying respirators and required filters,  
17 face shields and protective eyewear, surgical  
18 and isolation gowns, and head and foot cov-  
19 erings) or clothing, and the materials and com-  
20 ponents thereof, other than sensors, electronics,  
21 or other items added to and not normally asso-  
22 ciated with such personal protective equipment  
23 or clothing; or

24           “(B) sanitizing and disinfecting wipes,  
25 testing swabs, gauze, and bandages.

1           “(2) COVERED NATION.—The term ‘covered na-  
2           tion’ means—

3                   “(A) the Democratic People’s Republic of  
4           North Korea;

5                   “(B) the People’s Republic of China;

6                   “(C) the Russian Federation; and

7                   “(D) the Islamic Republic of Iran.”.

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9           tions at the beginning of such chapter is amended  
10          by inserting after the item relating to section 2339c  
11          the following:

          “2339d. Prohibition on acquisition of personal protective equipment and certain  
          other items from non-allied foreign nations.”.

12          (b) FUTURE TRANSFER.—

13               (1) TRANSFER AND REDESIGNATION.—Section  
14           2339d of title 10, United States Code, as added by  
15           subsection (a), is transferred to subchapter I of  
16           chapter 283 of such title, added after section 3881,  
17           as transferred and redesignated by section 1837(b)  
18           of the William M. (Mac) Thornberry National De-  
19           fense Authorization Act for Fiscal Year 2021 (Pub-  
20           lic Law 116–283), and redesignated as section 3882.

21          (2) CLERICAL AMENDMENTS.—

22               (A) TARGET CHAPTER TABLE OF SEC-  
23           TIONS.—The table of sections at the beginning  
24           of chapter 283 of title 10, United States Code,

1 as added by section 1837(a) of the William M.  
2 (Mac) Thornberry National Defense Authoriza-  
3 tion Act for Fiscal Year 2021 (Public Law  
4 116–283), is amended by inserting after the  
5 item related to section 3881 the following new  
6 item:

“3882. Prohibition on acquisition of personal protective equipment and certain  
other items from non-allied foreign nations.”.

7 (B) ORIGIN CHAPTER TABLE OF SEC-  
8 TIONS.—The table of sections at the beginning  
9 of chapter 137 of title 10, United States Code,  
10 as amended by subsection (a), is further  
11 amended by striking the item relating to section  
12 2339d.

13 (3) EFFECTIVE DATE.—The transfer, redesignig-  
14 nation, and amendments made by this subsection  
15 shall take effect on January 1, 2022.

16 (4) REFERENCES; SAVINGS PROVISION; RULE  
17 OF CONSTRUCTION.—Sections 1883 through 1885 of  
18 the William M. (Mac) Thornberry National Defense  
19 Authorization Act for Fiscal Year 2021 (Public Law  
20 116–283) shall apply with respect to the transfers,  
21 redesignations, and amendments made under this  
22 subsection as if such transfers, redesignations, and  
23 amendments were made under title XVIII of such  
24 Act.

1 **SEC. 833. FURTHER PROHIBITION ON ACQUISITION OF SEN-**  
2 **SITIVE MATERIALS.**

3 (a) IN GENERAL.—Section 2533c of title 10, United  
4 States Code, is amended—

5 (1) in subsection (a)(1), by inserting “or by any  
6 covered company” after “covered nation”; and

7 (2) in subsection (d)—

8 (A) by redesignating paragraphs (1) and  
9 (2) as paragraphs (2) and (3), respectively; and

10 (B) by inserting before paragraph (2), as  
11 so redesignated, the following new paragraph:

12 “(1) COVERED COMPANY.—The term ‘covered  
13 company’ means—

14 “(A) any company or joint venture reg-  
15 istered outside of the United States that—

16 “(i) is partially or fully owned by any  
17 state-owned entity from a covered nation;  
18 or

19 “(ii) is 5 percent or more owned by  
20 private investors from any covered nation;

21 “(B) any company or joint venture reg-  
22 istered inside the United States that—

23 “(i) is partially or fully owned by a  
24 state-owned entity from a covered nation;  
25 or



1 grams and research and development efforts shall to the  
2 maximum extent practicable be open to defense contrac-  
3 tors from the national technology and industrial base  
4 (NTIB), including when such contractors are acting as  
5 subcontractors in partnership with a United States con-  
6 tractor, provided such access is granted only if the Sec-  
7 retary determines that there is reciprocal access for  
8 United States companies to equivalent information related  
9 to contracting opportunities in the associated NTIB coun-  
10 try.

11 (b) NATIONAL TECHNOLOGY AND INDUSTRIAL  
12 BASE.—In this section, the term “national technology and  
13 industrial base” has the meaning given the term in section  
14 2500 of title 10, United States Code.

15 **SEC. 835. ASSESSMENT OF REQUIREMENTS FOR CERTAIN**  
16 **ITEMS TO ADDRESS SUPPLY CHAIN**  
17 **VULNERABILITIES.**

18 (a) DEFINITIONS.—In this section, the term “dual  
19 use” has the meaning given in section 2500 of title 10,  
20 United States Code.

21 (b) ASSESSMENT.—The Secretary of Defense shall  
22 assess the Department of Defense’s requirements for dual-  
23 use items covered by section 2533a of title 10, United  
24 States Code.

1 (c) REPORT.—Not later than October 1, 2022, the  
2 Secretary of Defense shall submit a report to the congres-  
3 sional defense committees with the Department’s findings,  
4 in publicly releasable and controlled formats as necessary.

5 (d) POLICIES.—The Secretary of Defense shall, to  
6 the extent practicable, develop or revise relevant policies  
7 to reduce fluctuations in the Department’s annual pro-  
8 curements of dual-use items.

9 **SEC. 836. REQUIREMENT THAT CERTAIN PROVIDERS OF**  
10 **SYSTEMS TO DEPARTMENT OF DEFENSE DIS-**  
11 **CLOSE THE SOURCE OF PRINTED CIRCUIT**  
12 **BOARDS WHEN SOURCED FROM CERTAIN**  
13 **COUNTRIES.**

14 (a) DEFINITIONS.—In this section:

15 (1) The term “covered nation” includes the fol-  
16 lowing:

17 (A) The People’s Republic of China.

18 (B) The Russian Federation.

19 (C) The Democratic People’s Republic of  
20 North Korea.

21 (D) The Islamic Republic of Iran.

22 (2) The term “covered system” means any  
23 item, including commercial items and commercially  
24 available off-the-shelf items, notwithstanding section  
25 2375 of title 10, United States Code, that is—

1 (A) a national security system, as defined  
2 in section 3552 of title 44, United States Code;  
3 or

4 (B) a system other than a national secu-  
5 rity system that transmits or stores classified  
6 information, including—

7 (i) data communications and storage,  
8 including servers, switches, and networking  
9 systems, but excluding personal data stor-  
10 age devices, personal computers, desktop  
11 computers, and tablets; and

12 (ii) any other systems that the Sec-  
13 retary determines should be covered.

14 (3) The term “manufactured and assembled”,  
15 with respect to a printed circuit board, includes all  
16 actions from the fabrication of the printed circuit  
17 board from raw materials to the integration of the  
18 completed printed circuit board in an end item or  
19 component of an end item.

20 (b) DISCLOSURE.—The Secretary of Defense shall re-  
21 quire any provider of a covered system to provide to the  
22 Department of Defense, along with delivery of the covered  
23 system, a list of the printed circuit boards in the covered  
24 system that includes, for each printed circuit board, an  
25 attestation of whether—



1 who will perform work in the People’s Republic  
2 of China on a covered contract when it submits  
3 a bid or proposal for a covered contract.

4 (B) MATTERS TO BE INCLUDED.—Each  
5 disclosure under subparagraph (A) shall in-  
6 clude—

7 (i) the total number of employees who  
8 will perform work in the People’s Republic  
9 of China funded by the Department of De-  
10 fense; and

11 (ii) a description of the physical pres-  
12 ence in the People’s Republic of China that  
13 meets the definition of a covered entity  
14 under subsection (d)(2).

15 (2) RECURRING DISCLOSURES.—

16 (A) IN GENERAL.—The Secretary of De-  
17 fense shall require any covered entity that is  
18 party to one or more covered contracts to dis-  
19 close for fiscal year 2023 and 2024 if the entity  
20 employs one or more individuals who perform  
21 work in the People’s Republic of China on such  
22 contracts.

23 (B) MATTERS TO BE INCLUDED.—Each  
24 disclosure under subparagraph (A) shall in-  
25 clude—

1 (i) the total number of employees who  
2 will perform work in the People’s Republic  
3 of China funded by the Department of De-  
4 fense; and

5 (ii) a description of the physical pres-  
6 ence in the People’s Republic of China that  
7 meets the definition of a covered entity  
8 under subsection (d)(2).

9 (3) AVAILABILITY TO PUBLIC.—All disclosures  
10 filed under paragraphs (1) and (2) shall be available  
11 to the public through an internet website of the De-  
12 partment of Defense that is accessible to the public.

13 (b) FUNDING FOR COVERED ENTITIES.—The Sec-  
14 retary of Defense shall not award or renew a covered con-  
15 tract with a covered entity unless the disclosures required  
16 under subsection (a) are submitted.

17 (c) QUARTERLY BRIEFING.—Beginning on or around  
18 January 1, 2023, the Secretary of Defense shall provide  
19 quarterly briefings to the congressional defense commit-  
20 tees on activities under this section, including a descrip-  
21 tion of the amount, length, source, recipient, and intended  
22 purpose of covered contracts awarded to covered entities  
23 that employ one or more individuals who will perform work  
24 in the People’s Republic of China funded by the Depart-  
25 ment of Defense.

1 (d) DEFINITIONS.—In this section:

2 (1) COVERED CONTRACT.—The term “covered  
3 contract” means any Department of Defense con-  
4 tract or subcontract with a value in excess of  
5 \$5,000,000, excluding contracts for commercial  
6 products or services.

7 (2) COVERED ENTITY.—The term “covered en-  
8 tity” means any corporation, company, limited liabil-  
9 ity company, limited partnership, business trust,  
10 business association, or other similar entity, includ-  
11 ing any subsidiary or affiliate thereof, participating  
12 in the performance of work under a covered contract  
13 in the People’s Republic of China, including by—

14 (A) employing one or more individuals per-  
15 forming work under the contract, including as  
16 employees, independent contractors, or through  
17 similar arrangements, who physically work in  
18 and reside in the People’s Republic of China; or

19 (B) leasing or owning real property used in  
20 the performance of the contract in the People’s  
21 Republic of China.

1 **Subtitle D—Small Business Matters**

2 **SEC. 841. CLARIFICATION OF DUTIES OF DIRECTOR OF**  
3 **SMALL BUSINESS PROGRAMS.**

4 Section 144(c)(1) of title 10, United States Code, is  
5 amended by inserting “to strengthen small businesses in  
6 the national technology and industrial base” after “exer-  
7 cise such powers regarding these programs”.

8 **SEC. 842. DATA ON PHASE III SMALL BUSINESS INNOVA-**  
9 **TION RESEARCH AND SMALL BUSINESS**  
10 **TECHNOLOGY TRANSFER PROGRAM AWARDS.**

11 (a) DEFINITIONS.—In this section, the terms “Phase  
12 I”, “Phase II”, “Phase III”, “SBIR”, and “STTR” have  
13 the meanings given those terms in section 9(e) of the  
14 Small Business Act (15 U.S.C. 638(e)).

15 (b) DATA ON PHASE III AWARDS.—For each fiscal  
16 year, the Secretary of each military department shall col-  
17 lect and submit to the President for inclusion in the budg-  
18 et submitted to Congress under section 1105 of title 31,  
19 United States Code, for the fiscal year data on the Phase  
20 III awards under the SBIR and STTR programs of the  
21 military department, which shall include—

22 (1) the cumulative funding amount for Phase  
23 III awards;

24 (2) the number of Phase III award topics;

1           (3) the total funding obligated for Phase III  
2 awards by State;

3           (4) the original Phase I or II award topics and  
4 the associated Phase III contracts awarded; and

5           (5) where possible, an identification of the spe-  
6 cific program executive office involved in each Phase  
7 III transition.

8 **SEC. 843. PILOT PROGRAM TO INCENTIVIZE EMPLOYEE**  
9 **OWNERSHIP IN DEFENSE CONTRACTING.**

10 (a) DEFINITIONS.—In this section:

11           (1) APPROPRIATE COMMITTEES OF CON-  
12 GRESS.—The term “appropriate committees of Con-  
13 gress” means—

14           (A) the Committee on Armed Services of  
15 the Senate; and

16           (B) the Committee on Armed Services of  
17 the House of Representatives.

18           (2) QUALIFIED BUSINESS WHOLLY-OWNED  
19 THROUGH AN EMPLOYEE STOCK OWNERSHIP  
20 PLAN.—The term “qualified businesses wholly-owned  
21 through an Employee Stock Ownership Plan” means  
22 an S corporation (as defined in section 1361(a)(1)  
23 of the Internal Revenue Code of 1986) for which  
24 100 percent of the outstanding stock is held through

1 an employee stock ownership plan (as defined in sec-  
2 tion 4975(e)(7) of the Internal Revenue Code).

3 (b) AUTHORITY TO USE NONCOMPETITIVE PROCE-  
4 DURES FOR FOLLOW-ON CONTRACTS TO QUALIFIED  
5 BUSINESSES WHOLLY OWNED THROUGH AN EMPLOYEE  
6 STOCK OWNERSHIP PLAN.—Notwithstanding the require-  
7 ments of section 2304 of title 10, United States Code, in  
8 the case of a follow-on contract for the continued develop-  
9 ment, production, or provision of products or services that  
10 are the same as or substantially similar to the products  
11 or services procured by the Department of Defense under  
12 a prior contract held by a qualified business wholly owned  
13 through an Employee Stock Ownership Plan, such prod-  
14 ucts or services may be deemed to be available only from  
15 the holder of the prior contract and may be procured by  
16 the Department of Defense through procedures other than  
17 competitive procedures if the performance of the qualified  
18 business wholly owned through an Employee Stock Owner-  
19 ship Plan on the prior contract was rated as satisfactory  
20 (or the equivalent) or better in the applicable past per-  
21 formance database.

22 (c) VERIFICATION AND REPORTING OF QUALIFIED  
23 BUSINESSES WHOLLY OWNED THROUGH AN EMPLOYEE  
24 STOCK OWNERSHIP PLAN.—The Secretary of Defense  
25 shall prescribe such procedures as may be necessary for—

1           (1) businesses to verify that they are qualified  
2 businesses wholly owned through an Employee Stock  
3 Ownership Plan for the purposes of subsection (b)  
4 using existing Federal reporting mechanisms;

5           (2) a qualified businesses wholly owned through  
6 an Employee Stock Ownership Plan to certify that  
7 not more than 50 percent of the amount paid under  
8 the contract will be expended on subcontracts, sub-  
9 ject to such necessary and reasonable waivers as the  
10 Secretary may prescribe; and

11           (3) recording information on each use of the  
12 authority under subsection (b), including details rel-  
13 evant to the nature of the contract and the qualified  
14 business wholly owned through an Employee Stock  
15 Ownership Plan, and providing such information to  
16 the Comptroller General of the United States.

17           (d) DATA.—(1) The Secretary shall establish mecha-  
18 nisms to collect and analyze data on the execution of the  
19 pilot program for the purposes of—

20           (A) developing and sharing best practices for  
21 achieving goals established for the pilot program es-  
22 tablished under this section;

23           (B) providing information to leadership and the  
24 congressional defense committees on the execution of  
25 the pilot program, including—

- 1 (i) company size;
- 2 (ii) performance of contract; and
- 3 (iii) other information as determined effective or necessary; and
- 4
- 5 (C) providing information to leadership and the
- 6 congressional defense committees on related policy
- 7 issues.

8 (2) The Secretary may not execute the pilot program

9 prior to completion of a data strategy and plan to meet

10 the requirements of this subsection.

11 (e) SUNSET.—The authority under subsection (b)

12 shall expire on the date that is five years after the date

13 of the enactment of this Act.

14 (f) COMPTROLLER GENERAL OF THE UNITED

15 STATES REPORT.—

16 (1) IN GENERAL.—Not later than three years

17 after the date of the enactment of this Act, the

18 Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the individual and aggregate uses of the authority under subsection (b), using such data as may

19

20

21

22 be available up to that time.

23 (2) ELEMENTS.—The report under paragraph

24 (1) shall include the following elements:

1 (A) An assessment of the frequency and  
2 nature of the use of the authority under sub-  
3 section (b).

4 (B) An assessment of the impact of such  
5 programs in supporting the National Defense  
6 Strategy.

7 (C) The number of businesses to become  
8 qualified businesses wholly owned through an  
9 Employee Stock Ownership Plan in order to  
10 qualify for the authority under subsection (b)  
11 and factors that influenced the decision.

12 (D) Acquisition authorities that could  
13 incentivize businesses to become qualified busi-  
14 nesses wholly owned through an Employee  
15 Stock Ownership Plan, including the extension  
16 of the authority under subsection (b).

17 (E) Any related matters the Comptroller  
18 General considers appropriate.

## 19 **Subtitle E—Other Matters**

### 20 **SEC. 851. TECHNOLOGY PROTECTION FEATURES ACTIVI-** 21 **TIES.**

22 (a) IN GENERAL.—Section 2357 of title 10, United  
23 States Code, is amended—

24 (1) in subsection (b)—

25 (A) by inserting “(1)” before “Any”;

1 (B) by adding at the end the following new  
2 paragraph:

3 “(2) If the designated system receives Milestone B  
4 approval, then the contractor’s portion of the costs, de-  
5 scribed in paragraph (1), may be treated as allowable  
6 independent research and development costs.”; and

7 (2) in subsection (c)—

8 (A) by redesignating paragraph (2) as  
9 paragraph (4); and

10 (B) by inserting after paragraph (1) the  
11 following new paragraphs:

12 “(2) The term ‘independent research and devel-  
13 opment costs’ has the meaning given the term in  
14 section 2372 of this title.

15 “(3) The term ‘Milestone B approval’ has the  
16 meaning given the term in section 2336(e)(7) of this  
17 title”.

18 (b) CONFORMING REGULATIONS.—Not later than  
19 120 days after the date of the enactment of this Act, the  
20 Secretary of Defense shall revise the Department of De-  
21 fense Supplement to the Federal Acquisition Regulation  
22 to conform with section 2357 of title 10, United States  
23 Code, as amended by subsection (a).

1 **SEC. 852. INDEPENDENT STUDY ON TECHNICAL DEBT IN**  
2 **SOFTWARE-INTENSIVE SYSTEMS.**

3 (a) STUDY REQUIRED.—Not later than July 1, 2022,  
4 the Secretary of Defense shall enter into an agreement  
5 with a federally funded research and development center  
6 to study technical debt in software-intensive systems.

7 (b) STUDY ELEMENTS.—The study required under  
8 subsection (a) shall include analyses and recommendations  
9 on the following elements:

10 (1) Qualitative and quantitative measures which  
11 can be used to identify a desired future state for  
12 software-intensive programs.

13 (2) Qualitative and quantitative measures that  
14 can be used to assess technical debt.

15 (3) Policies for data access to identify and as-  
16 sess technical debt and best practices for programs  
17 to make such data appropriately available for use.

18 (4) Forms of technical debt which are suitable  
19 for objective or subjective analysis.

20 (5) Current practices of Department of Defense  
21 software-intensive programs to track and use data  
22 related to technical debt.

23 (6) Appropriate individuals or organizations  
24 that should be responsible for the identification and  
25 assessment of technical debt, including the organiza-  
26 tion responsible for independent assessments.

1           (7) Scenarios, frequency, or program phases  
2 when technical debt should be assessed.

3           (8) Best practices to identify and assess tech-  
4 nical debt.

5           (9) Best practices to monitor the accumulating  
6 costs of technical debt.

7           (10) Criteria to support decisions by program  
8 officials on whether to incur, carry, or reduce tech-  
9 nical debt.

10           (11) Practices for the Department of Defense  
11 to incrementally adopt to initiate practices for man-  
12 aging technical debt.

13       (c) ACCESS TO DATA AND RECORDS.—The Secretary  
14 shall ensure that the federally funded research and devel-  
15 opment center selected shall have sufficient resources and  
16 access to technical data, individuals, organizations, and  
17 records necessary to complete the study required under  
18 this section.

19       (d) REPORT REQUIRED.—Not later than 18 months  
20 after entering the agreement under subsection (a), the  
21 Secretary shall submit to the congressional defense com-  
22 mittees a report on the study required under subsection  
23 (b), along with any additional information and views as  
24 desired in publicly releasable and unclassified forms. The

1 Secretary may also include a classified annex to the study  
2 as necessary.

3 (e) BRIEFING REQUIRED.—Not later than April 1,  
4 2022, the Secretary shall provide a briefing to the congress-  
5 sional defense committees on activities undertaken and  
6 planned, any barriers, and resources to be provided to exe-  
7 cute activities under this section.

8 **SEC. 853. DETERMINATION WITH RESPECT TO OPTICAL**  
9 **FIBER TRANSMISSION EQUIPMENT FOR DE-**  
10 **PARTMENT OF DEFENSE PURPOSES.**

11 (a) DETERMINATION.—Not later than 120 days after  
12 the date of the enactment of this Act, the Secretary of  
13 Defense shall review optical transmission equipment, in-  
14 cluding optical fiber and cable equipment, for potential in-  
15 clusion on the list of covered communications equipment  
16 pursuant to section 2 of the Secure and Trusted Commu-  
17 nications Networks Act of 2019 (47 U.S.C. 1601), and  
18 make a determination as to whether or not such equip-  
19 ment should be included on the list.

20 (b) NOTIFICATION REQUIREMENT.—Not later than  
21 180 days after the date of the enactment of this Act, the  
22 Secretary of Defense shall notify the congressional defense  
23 committees of the findings of the review and determination  
24 required under subsection (a).

1 **SEC. 854. TWO-YEAR EXTENSION OF SELECTED ACQUISI-**  
2 **TION REPORT REQUIREMENT.**

3 (a) EXTENSION.—Section 2432(j) of title 10, United  
4 States Code, is amended by striking “fiscal year 2021”  
5 and inserting “fiscal year 2023”.

6 (b) DEMONSTRATION REQUIRED.—

7 (1) IN GENERAL.—Not later than March 1,  
8 2022, the Secretary of Defense shall provide to the  
9 congressional defense committees a demonstration of  
10 the full operational capability of the reporting sys-  
11 tem that will replace the Selected Acquisition Report  
12 requirements under section 2432 of title 10, United  
13 States Code, as amended by subsection (a).

14 (2) ELEMENTS.— The demonstration required  
15 under paragraph (1) shall incorporate the following  
16 elements:

17 (A) The findings of the report required  
18 under section 830(b) of the National Defense  
19 Authorization Act for Fiscal Year 2020 (Public  
20 Law 116–92; 133 Stat. 1492).

21 (B) A demonstration of the replacement  
22 reporting system’s full suite of data sharing ca-  
23 pabilities that can be accessed by authorized ex-  
24 ternal users, including the congressional defense  
25 committees, for a range of programs across ac-  
26 quisition categories, including those selected

1 under section 831 of the National Defense Au-  
2 thorization Act for Fiscal Year 2020 (Public  
3 Law 116–92; 133 Stat. 1492).

4 (C) The plan required under subsection  
5 (c).

6 (c) PLAN REQUIRED.—

7 (1) IN GENERAL.—Not later than February 1,  
8 2022, the Secretary of Defense, in consultation with  
9 the Secretaries of the military departments, the  
10 Under Secretary of Defense (Comptroller), and the  
11 Director of Cost Assessment and Program Evalua-  
12 tion, shall deliver to the congressional defense com-  
13 mittees the Department of Defense’s plan for report-  
14 ing to the congressional defense committees on ac-  
15 quisition programs.

16 (2) OBJECTIVES.—The plan required under  
17 paragraph (1) shall ensure that reporting—

18 (A) addresses program progress against  
19 cost, schedule, and performance goals and pro-  
20 vides an assessment of program risks; and

21 (B) includes annual reporting, at a min-  
22 imum, and provides continuous or periodic up-  
23 dates for external users, as appropriate, to in-  
24 crease the efficiency of and reduce the bureau-

1           cratic burdens for reporting data and informa-  
2           tion on acquisition programs.

3           (3) ELEMENTS.—The plan shall include the fol-  
4           lowing elements:

5                   (A) The types of programs to be included  
6                   in reporting, including the dollar value thresh-  
7                   old for reporting, and the acquisition meth-  
8                   odologies and pathways that are to be included.

9                   (B) The planned reporting schedule, in-  
10                  cluding when reports will be available to exter-  
11                  nal users and the intervals at which data will  
12                  be updated.

13                  (C) The specific data elements to be in-  
14                  cluded in reporting to assess program perform-  
15                  ance and associated risks, to include, at a min-  
16                  imum, software development and cybersecurity  
17                  risks, and an identification of any data ele-  
18                  ments that cannot be publicly released.

19                  (D) The criteria to initiate, modify, or ter-  
20                  minate reporting for programs, as appropriate,  
21                  based on program characteristics, acquisition  
22                  methodology or pathway being used, cost  
23                  growth or changes, and program performance.

24                  (E) The mechanisms by which reporting  
25                  will be provided to the congressional defense

1 committees and other external users, includ-  
2 ing—

3 (i) identification of types of organiza-  
4 tions that will have access to the system,  
5 including those outside the Department of  
6 Defense;

7 (ii) how the system will be accessed by  
8 users, including those outside the Depart-  
9 ment of Defense;

10 (iii) how those users will be trained on  
11 the use of the system and what level of  
12 support will be available for users on an  
13 ongoing basis; and

14 (iv) the data, information, and analyt-  
15 ical capabilities supported by the system.

16 (F) Identification and description of—

17 (i) the organizations responsible for  
18 implementation of and overall operation of  
19 the system;

20 (ii) the organizations responsible for  
21 entering data into the system and ensuring  
22 that data is entered into the system in a  
23 timely fashion;

24 (iii) schedule and milestones for im-  
25 plementation;

1 (iv) resources required, including per-  
2 sonnel and funding;

3 (v) implementation risks and how they  
4 will be mitigated;

5 (vi) any necessary updates to policy or  
6 guidance required to implement the pro-  
7 posed reporting approach; and

8 (vii) any legislative changes required  
9 to implement the proposed reporting ap-  
10 proach.

11 **SEC. 855. MILITARY STANDARDS FOR HIGH-HARDNESS**  
12 **ARMOR IN COMBAT VEHICLE SPECIFICA-**  
13 **TIONS.**

14 (a) IN GENERAL.—Not later than March 31, 2022,  
15 the Secretary of the Army shall establish military stand-  
16 ards for high-hardness armor for incorporation into speci-  
17 fications for current and future combat vehicles developed  
18 and procured by the Department of the Army.

19 (b) REPORT REQUIRED.—Not later than June 30,  
20 2022, the Secretary of the Army shall provide a report  
21 to the congressional defense committees that describes—

22 (1) the establishment of military standards for  
23 high-hardness armor required pursuant to subsection  
24 (a); and

1           (2) the strategy for incorporation of those  
2 standards into combat vehicle specifications.

3           (c) **COMBAT VEHICLE DEFINED.**—For purposes of  
4 this section, the term “combat vehicle” means a tracked  
5 or wheeled tactical vehicle incorporating high-hardness  
6 armor in its manufacture.

7 **SEC. 856. REVISIONS TO THE UNIFIED FACILITIES CRI-**  
8 **TERIA REGARDING THE USE OF VARIABLE**  
9 **REFRIGERANT FLOW SYSTEMS.**

10          (a) **IN GENERAL.**—The Under Secretary of Defense  
11 for Acquisition and Sustainment shall publish any pro-  
12 posed revisions to the Unified Facilities Criteria regarding  
13 the use of variable refrigerant flow systems in the Federal  
14 Register and shall specify a comment period of at least  
15 60 days.

16          (b) **NOTICE.**—The Secretary of Defense shall submit  
17 to the Committees on Armed Services of the Senate and  
18 the House of Representatives a written notice and jus-  
19 tification for any proposed revisions to the Unified Facili-  
20 ties Criteria regarding the use of variable refrigerant flow  
21 systems not later than 30 days after the date of publica-  
22 tion in the Federal Register.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **SEC. 901. CHANGE IN ELIGIBILITY REQUIREMENTS FOR AP-**  
5 **POINTMENT TO CERTAIN DEPARTMENT OF**  
6 **DEFENSE LEADERSHIP POSITIONS.**

7 (a) ASSISTANT SECRETARY OF DEFENSE FOR SPE-  
8 CIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Sec-  
9 tion 138(b)(2)(A) of title 10, United States Code, is  
10 amended by inserting after the third sentence the fol-  
11 lowing: “A person may not be appointed as Assistant Sec-  
12 retary within seven years after relief from active duty as  
13 a commissioned officer of a regular component of an  
14 armed force.”.

15 (b) SECRETARY OF THE ARMY.—Section 7013(a)(2)  
16 of title 10, United States Code, is amended by striking  
17 “five” and inserting “seven”.

18 (c) SECRETARY OF THE NAVY.—Section 8013(a)(2)  
19 of title 10, United States Code, is amended by striking  
20 “five” and inserting “seven”.

21 (d) SECRETARY OF THE AIR FORCE.—Section  
22 9013(a)(2) of title 10, United States Code, is amended  
23 by striking “five” and inserting “seven”.

24 (e) TECHNICAL CORRECTIONS RELATING TO OTHER  
25 POSITIONS.—

1           (1) UNDER SECRETARY OF DEFENSE (COMP-  
2           TROLLER).—Section 135(a)(1) of title 10, United  
3           States Code, is amended by striking “the armed  
4           forces” and inserting “an armed force”.

5           (2) UNDER SECRETARY OF DEFENSE FOR PER-  
6           SONNEL AND READINESS.—Section 136(a) of title  
7           10, United States Code, is amended by striking “the  
8           armed forces” and inserting “an armed force”.

9           (3) UNDER SECRETARY OF DEFENSE FOR IN-  
10          TELLIGENCE AND SECURITY.—Section 137(a) of  
11          title 10, United States Code, is amended by striking  
12          “the armed forces” and inserting “an armed force”.

13   **SEC. 902. RENAMING OF AIR NATIONAL GUARD TO AIR AND**  
14                           **SPACE NATIONAL GUARD.**

15          (a) TITLE 10.—Title 10, United States Code, is  
16          amended—

17               (1) in the section headings, by striking “**Air**  
18               **National Guard**” each place it appears and in-  
19               serting “**Air and Space National Guard**”;

20               (2) in the tables of sections, by striking “Air  
21               National Guard” each place it appears and inserting  
22               “Air and Space National Guard”; and

23               (3) in the text, by striking “Air National  
24               Guard” each place it appears and inserting “Air and  
25               Space National Guard”.

1 (b) TITLE 32.—Title 32, United States Code, is  
2 amended by striking “Air National Guard” each place it  
3 appears and inserting “Air and Space National Guard”.

4 (c) TITLE 37.—Title 37, United States Code, is  
5 amended by striking “Air National Guard” each place it  
6 appears and inserting “Air and Space National Guard”.

7 (d) TITLE 38.—Title 38, United States Code, is  
8 amended by striking “Air National Guard” each place it  
9 appears and inserting “Air and Space National Guard”.

10 (e) OTHER PROVISIONS OF LAW.—

11 (1) TITLE 5.—Title 5, United States Code, is  
12 amended—

13 (A) in section 2108(1)(B), by striking “Air  
14 National Guard” and inserting “Air and Space  
15 National Guard”; and

16 (B) in section 5518(2), by striking “Air  
17 National Guard” and inserting “Air and Space  
18 National Guard”.

19 (2) TITLE 18.—Section 1716(g)(2) of title 18,  
20 United States Code, is amended by striking “Air  
21 National Guard” and inserting “Air and Space Na-  
22 tional Guard”.

23 (3) TITLE 28.—Section 631(c) of title 28,  
24 United States Code, is amended by striking “Air

1 National Guard” and inserting “Air and Space Na-  
2 tional Guard”.

3 (4) TITLE 36.—Section 20203 of title 36,  
4 United States Code, is amended by striking “Air  
5 National Guard” each place it appears and inserting  
6 “Air and Space National Guard”.

7 (5) INTERNAL REVENUE CODE OF 1986.—Sec-  
8 tion 3309(b)(3)(C) of the Internal Revenue Code of  
9 1986 is amended by striking “Air National Guard”  
10 and inserting “Air and Space National Guard”.

11 (6) TRADE ACT OF 1974.—Section 233(i)(2)(B)  
12 of the Trade Act of 1974 (19 U.S.C. 2293(i)(2)(B))  
13 is amended by striking “Air National Guard” and  
14 inserting “Air and Space National Guard”.

15 (f) REFERENCES.—Any reference in law, regulation,  
16 document, paper, or other record of the United States to  
17 the Air National Guard or the Air National Guard of the  
18 United States shall be deemed to be a reference to the  
19 Air and Space National Guard or the Air and Space Na-  
20 tional Guard of the United States, respectively.

21 (g) REPORT REQUIRED.—Not later than 180 days  
22 after the date of the enactment of this Act, the Secretary  
23 of Defense shall submit to the congressional defense com-  
24 mittees a report that includes—

1           (1) a plan to implement the organizational  
2 changes necessary to carry out the amendments  
3 made by subsections (a) through (f); and

4           (2) a description of any technical and con-  
5 forming amendments to provisions of law necessary  
6 to fully implement those changes.

7 **SEC. 903. JOINT AVIATION SAFETY COUNCIL.**

8           (a) **SHORT TITLE.**—This section may be cited as the  
9 “Preventing Loss of Aircrews and Necessary Equipment  
10 Act” or the “PLANE Act”.

11          (b) **FINDINGS.**—Congress makes the following find-  
12 ings:

13           (1) Section 1087 of the John S. McCain Na-  
14 tional Defense Authorization Act for Fiscal Year  
15 2019 (Public Law 115–232; 132 Stat. 1992) estab-  
16 lished and authorized funding for the National Com-  
17 mission on Military Aviation Safety (in this sub-  
18 section referred to as the “Commission”).

19           (2) The mission of the Commission as an inde-  
20 pendent establishment was to undertake a com-  
21 prehensive study of United States military aviation  
22 mishaps that occurred between fiscal years 2013 and  
23 2018 in order—

1 (A) to assess the rates of military aviation  
2 mishaps between fiscal years 2013 and 2018  
3 compared to historic aviation mishap rates;

4 (B) to make an assessment of the under-  
5 lying causes contributing to accidents arising  
6 from the unexplained physiological effects of  
7 flying;

8 (C) to make an assessment of causes con-  
9 tributing to delays in aviation maintenance and  
10 limiting operational availability of aircraft;

11 (D) to make an assessment of the causes  
12 contributing to military aviation mishaps; and

13 (E) to make recommendations on the  
14 modifications, if any, of safety, training, main-  
15 tenance, personnel, or other policies related to  
16 military aviation safety.

17 (3) The Commission released its report to the  
18 President and Congress on December 1, 2020, and  
19 found that the United States Armed Forces lost a  
20 total of 224 lives, \$11,600,000,000, and 186 aircraft  
21 to training accidents or routine operations between  
22 fiscal years 2013 and 2020.

23 (4) While the Commission conducted its study,  
24 26 lives, 29 aircraft, and \$2,250,000,000 were lost.

1           (5) The Commission made a number of rec-  
2           ommendations to correct the increasing number of  
3           mishaps in hopes of saving precious lives and re-  
4           sources in the future.

5           (c) SENSE OF CONGRESS.—It is the sense of Con-  
6           gress that a confluence of factors is contributing to United  
7           States military aviation mishaps, including—

8           (1) lack of centralized joint oversight;

9           (2) misunderstanding of the physiological ef-  
10          fects of the human-machine interface;

11          (3) byzantine planning, contracting, and pro-  
12          gram management processes;

13          (4) continued need for predictable and reliable  
14          funding;

15          (5) over-extension of aviation forces as a result  
16          of high demand and low density;

17          (6) underemphasis on maintainers as profes-  
18          sional occupational specialties that require complex,  
19          career paths to support aviation safety, readiness,  
20          and operational tempo; and

21          (7) dwindling pilot retention.

22          (d) ESTABLISHMENT OF JOINT AVIATION SAFETY  
23          COUNCIL.—

1           (1) IN GENERAL.—Chapter 7 of title 10, United  
2           States Code, is amended by inserting after section  
3           183a the following new section:

4   **“§ 184. Joint Aviation Safety Council**

5           “(a) ESTABLISHMENT.—There is established, within  
6           the Office of the Deputy Secretary of Defense, a Joint  
7           Aviation Safety Council (in this section referred to as the  
8           ‘Council’).

9           “(b) MEMBERSHIP.—

10           “(1) IN GENERAL.—The Council shall be com-  
11           posed of voting members as follows:

12                   “(A) The Director of Safety for each mili-  
13                   tary department.

14                   “(B) An employee of the Department of  
15                   Defense appointed by the Deputy Secretary of  
16                   Defense under paragraph (2)(B).

17                   “(C) One member of each military depart-  
18                   ment appointed by the Secretary concerned.

19           “(2) APPOINTMENT.—

20                   “(A) DEADLINE.—The initial members of  
21                   the Council shall be appointed not later than 30  
22                   days after the date of the enactment of the Na-  
23                   tional Defense Authorization Act for Fiscal  
24                   Year 2022.

1           “(B) SENIOR EXECUTIVE SERVICE EM-  
2           PLOYEE.—The Deputy Secretary of Defense  
3           shall appoint under paragraph (1)(B) an em-  
4           ployee of the Department of Defense who is a  
5           career member of the Senior Executive Service  
6           with a record of successfully running programs  
7           within the Department.

8           “(C) DIRECTORS OF SAFETY.—Not later  
9           than 30 days after the date of the enactment of  
10          the National Defense Authorization Act for Fis-  
11          cal Year 2022, the Secretary of each military  
12          department shall appoint an officer of that de-  
13          partment in grade O–8 as Director of Safety  
14          for the department.

15          “(3) REMOVAL.—A member of the Council shall  
16          serve at the will of the official who appointed the  
17          member.

18          “(4) VACANCIES.—Any vacancy on the Council  
19          shall be filled in the same manner as the original ap-  
20          pointment.

21          “(5) COMPENSATION.—A member of the Coun-  
22          cil shall serve without compensation in addition to  
23          the compensation received by the member for the  
24          service of the member as an officer or employee of  
25          the United States.

1           “(6) MEETINGS.—The Council shall meet quar-  
2           terly and at the call of the chairperson.

3           “(c) CHAIRPERSON AND VICE CHAIRPERSON.—

4           “(1) CHAIRPERSON.—

5           “(A) IN GENERAL.—The Secretary of De-  
6           fense shall select one of the members of the  
7           Council who is a member of the armed forces  
8           to serve as chairperson of the Council.

9           “(B) TERM.—The chairperson shall serve  
10          for a term of two years.

11          “(C) RESPONSIBILITIES OF CHAIR-  
12          PERSON.—In addition to serving as the head of  
13          the Council, the chairperson shall—

14                 “(i) serve as the Director of Aviation  
15                 Safety for the Department of Defense;

16                 “(ii) serve as principal advisor to the  
17                 Secretary of Defense regarding military  
18                 aviation safety and related regulations and  
19                 policy reforms, including issues regarding  
20                 maintenance, supply chains, personnel  
21                 management, and training;

22                 “(iii) oversee all duties and activities  
23                 of the Council including conduct of mili-  
24                 tary aviation safety studies and issuance of  
25                 safety guidance to services;

1           “(iv) work with and advise the Secre-  
2           taries of the military departments through  
3           appointed safety chiefs to implement  
4           standardized aviation safety guidance  
5           across all military departments;

6           “(v) submit an annual report to Sec-  
7           retary of Defense and Congress reviewing  
8           the compliance of each military department  
9           with the guidance described in clause (iv);

10          “(vi) advise Congress on issues related  
11          to military aviation safety and reforms;  
12          and

13          “(vii) oversee coordination with other  
14          Federal agencies, including the Federal  
15          Aviation Administration, to inform military  
16          aviation safety guidance and reforms.

17          “(2) VICE CHAIRPERSON.—

18                 “(A) IN GENERAL.—The individual ap-  
19                 pointed under subsection (b)(1)(B) shall serve  
20                 as vice chairperson of the Council.

21                 “(B) RELATIONSHIP TO CHAIRPERSON.—  
22                 The vice chairperson of the Council shall report  
23                 to the chairperson and serve as chairperson in  
24                 the absence of the chairperson selected under  
25                 subparagraph (A).

1 “(d) RESPONSIBILITIES OF COUNCIL.—

2 “(1) IN GENERAL.—Subject to subsection (e),  
3 the Council shall be responsible for issuing, pub-  
4 lishing, and updating regulations related to military  
5 aviation safety, including regulations on the report-  
6 ing and investigation of aviation mishaps.

7 “(2) MISHAP DATA.—The Council shall—

8 “(A) establish uniform data collection  
9 standards for aviation mishaps in the Depart-  
10 ment of Defense;

11 “(B) review the compliance of each mili-  
12 tary department in adopting and using the uni-  
13 form data collection standards required under  
14 subparagraph (A); and

15 “(C) review aviation mishap data to assess,  
16 identify, and prioritize risk mitigation efforts in  
17 military aviation.

18 “(3) NON-MISHAP DATA.—The Council shall es-  
19 tablish—

20 “(A) standards and requirements for the  
21 collection of aircraft, simulator, airfield, and  
22 pilot data; and

23 “(B) requirements for each military de-  
24 partment to collect and analyze the issuance of

1 any waiver related to pilot qualifications or  
2 standards.

3 “(4) AVIATION SAFETY MANAGEMENT SYS-  
4 TEM.—The Council shall—

5 “(A) establish, in consultation with the Ad-  
6 ministrator of the Federal Aviation Administra-  
7 tion, a requirement for each military depart-  
8 ment to implement an aviation safety manage-  
9 ment system;

10 “(B) review for approval the proposal of  
11 each military department for an aviation safety  
12 management system; and

13 “(C) review the implementation of that  
14 system by each military department.

15 “(5) REVIEW OF CIVIL AVIATION SAFETY PRO-  
16 GRAMS AND PRACTICES.—The Council shall review  
17 and assess civil aviation safety programs and prac-  
18 tices and determine their suitability for implementa-  
19 tion in military aviation.

20 “(e) OVERSIGHT.—The decisions and recommenda-  
21 tions of the Council are subject to review and approval  
22 by the Deputy Secretary of Defense.

23 “(f) STAFF.—

24 “(1) PERMANENT STAFF.—The Council may  
25 appoint and fix the rate of basic pay for additional

1 personnel as staff of the Council in accordance with  
2 section 3101 of title 5.

3 “(2) DETAILEES.—The Council may accept in-  
4 dividuals on detail from within the Department of  
5 Defense and from other Federal agencies on a reim-  
6 bursable or non-reimbursable basis.

7 “(g) SPACE FOR COUNCIL.—Not later than 90 days  
8 after the date of the enactment of the National Defense  
9 Authorization Act for Fiscal Year 2022, the Administrator  
10 of General Services, in consultation with the Secretary of  
11 Defense, shall identify and make available suitable excess  
12 space within the Federal space inventory to house the op-  
13 erations of the Council. If the Administrator is not able  
14 to make such suitable excess space available within such  
15 90-day period, the Council may lease space to the extent  
16 that funds are available for such purpose.

17 “(h) CONTRACTING AUTHORITY.—The Council may  
18 enter into contracts for the acquisition of administrative  
19 supplies, equipment, and personnel services for use by the  
20 Council, to the extent that funds are available for such  
21 purposes.

22 “(i) PROCUREMENT OF TEMPORARY AND INTERMIT-  
23 TENT SERVICES.—The chairperson of the Council may  
24 procure temporary and intermittent services under section  
25 3109(b) of title 5 at rates for individuals that do not ex-

1 ceed the daily equivalent of the annual rate of basic pay  
2 prescribed for level V of the Executive Schedule under sec-  
3 tion 5316 of such title.

4 “(j) DATA COLLECTION.—

5 “(1) ACCESS TO DATABASES.—Under regula-  
6 tions prescribed by the Secretary of Defense, the  
7 Council shall have access to databases of the De-  
8 partment of Defense necessary to carry out the du-  
9 ties of the Council.

10 “(2) SHARING OF AVIATION SAFETY DATA.—

11 Under regulations prescribed by the Secretary of  
12 Defense, the Council may enter into agreements with  
13 the Federal Aviation Administration, the National  
14 Transportation Safety Board, and any other Federal  
15 agency regarding the sharing of aviation safety data.

16 “(3) PRIVILEGE OF DATA.—Except for such  
17 data as the Secretary of Defense may choose to pro-  
18 vide, and notwithstanding any other provision of  
19 law, data collected by the Council under this sub-  
20 section shall be privileged from disclosure or dis-  
21 covery to any person.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions for chapter 7 of such title is amended by in-  
24 serting after the item relating to section 183a the  
25 following new item:

“184. Joint Aviation Safety Council.”.

1 (e) TIMELINE FOR ESTABLISHMENT.—The Secretary  
2 of Defense shall implement and provide the necessary re-  
3 sources for the Joint Aviation Safety Council established  
4 under section 184 of title 10, United States Code, as  
5 added by subsection (d), by not later than the date that  
6 is 120 days after the date of the enactment of this Act.

7 (f) REPORT REQUIRED.—Not later than 120 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Defense shall submit to the congressional defense com-  
10 mittees a report that includes—

11 (1) a description of the measures the Depart-  
12 ment of Defense plans to take to correct the issues  
13 identified in the report to the President and Con-  
14 gress of the National Commission on Military Avia-  
15 tion Safety Report, dated December 1, 2020;

16 (2) a statement of whether the Secretary con-  
17 curs or disagrees with the findings of that report;  
18 and

19 (3) a detailed plan of action for implementation  
20 of each recommendation included in that report.

21 (g) FUNDING.—The amount authorized to be appro-  
22 priated for fiscal year 2022 by this Act for military per-  
23 sonnel appropriations is hereby increased by \$4,000,000,  
24 with the amount of the increase to be available for the  
25 Joint Aviation Safety Council established under section

1 184 of title 10, United States Code, as added by sub-  
2 section (d).

3 **SEC. 904. ASSIGNMENTS FOR PARTICIPANTS IN THE JOHN**  
4 **S. MCCAIN STRATEGIC DEFENSE FELLOWS**  
5 **PROGRAM.**

6 Section 932(e) of the John S. McCain National De-  
7 fense Authorization Act for Fiscal Year 2019 (Public Law  
8 115–232; 10 U.S.C. 1580 note prec.) is amended—

9 (1) in paragraph (2)—

10 (A) by striking “and each Under Secretary  
11 of Defense and Director of a Defense Agency  
12 who reports directly to the Secretary of De-  
13 fense,” and inserting “, each Under Secretary  
14 of Defense, and other officials, as designated by  
15 the Secretary of Defense, within the Office of  
16 the Secretary of Defense (as defined in section  
17 131 of title 10, United States Code) who report  
18 directly to the Secretary of Defense”; and

19 (B) by striking “or Director” and inserting  
20 “or official within the Office of the Secretary of  
21 Defense”;

22 (2) in paragraph (3)—

23 (A) by striking “Under Secretaries and Di-  
24 rectors” and inserting “Under Secretaries of

1 Defense and other officials within the Office of  
2 the Secretary of Defense”; and

3 (B) by striking “Under Secretary, or Di-  
4 rector” and inserting “Under Secretary of De-  
5 fense, or other official within the Office of the  
6 Secretary of Defense”; and

7 (3) in paragraph (7), by striking “shall be on  
8 a first-come, first-served basis” and inserting “may  
9 require a minimum service agreement, as determined  
10 by the Secretary”.

11 **SEC. 905. ALIGNMENT OF CLOSE COMBAT LETHALITY TASK**  
12 **FORCE.**

13 (a) IN GENERAL.—Until the Secretary of Defense  
14 submits to the congressional defense committees the re-  
15 port described in subsection (b), the Secretary shall rein-  
16 state—

17 (1) the initial alignment of the Close Combat  
18 Lethality Task Force (CCLTF) so that the Task  
19 Force reports directly to the Secretary; and

20 (2) the designation of the Task Force as a  
21 cross-functional team under section 911 of the Na-  
22 tional Defense Authorization Act for Fiscal Year  
23 2017 (Public Law 114–328; 10 U.S.C. 111 note).

24 (b) REPORT DESCRIBED.—The report described in  
25 this subsection is a report on a proposed alternative align-

1 ment for the Close Combat Lethality Task Force that in-  
2 cludes—

3 (1) a description of—

4 (A) how the proposed alignment of the  
5 Task Force would—

6 (i) facilitate the effective pursuit of,  
7 and support for, both materiel and non-  
8 materiel initiatives by the Task Force;

9 (ii) maintain benefits for the Task  
10 Force similar to the benefits associated  
11 with reporting directly to the Secretary of  
12 Defense and designation as a cross-func-  
13 tional team; and

14 (iii) ensure collaboration and support  
15 from the primary stakeholders in the Task  
16 Force, including the Army, the Marine  
17 Corps, and the United States Special Op-  
18 erations Command; and

19 (B) how the Task Force would be funded  
20 and gain appropriate resourcing for cross-func-  
21 tional team initiatives supported by the Sec-  
22 retary; and

23 (2) supporting analysis for the matters de-  
24 scribed in paragraph (1).

1 (c) EXCEPTION.—Subsection (a) does not apply if the  
2 President submits to the congressional defense commit-  
3 tees—

4 (1) a certification that implementing that sub-  
5 section would be detrimental to the defense interests  
6 of the United States; and

7 (2) a justification for the certification.

8 **SEC. 906. MANAGEMENT INNOVATION ACTIVITIES.**

9 (a) IN GENERAL.—The Secretary of Defense shall es-  
10 tablish a set of activities to improve the effectiveness of  
11 management activities within the Department of Defense,  
12 with the goals of incorporating appropriate private sector  
13 management practices and technologies and enhancing the  
14 capabilities of the defense management workforce.

15 (b) MANAGEMENT ACTIVITIES.—The activities estab-  
16 lished under subsection (a) may include the following:

17 (1) Public-private partnerships with appropriate  
18 private sector and government organizations.

19 (2) Personnel exchange programs with appro-  
20 priate industry, academic, and government organiza-  
21 tions to enhance the capabilities of the defense man-  
22 agement workforce.

23 (3) Research, development, and technology and  
24 business process prototyping activities to create new  
25 technological capabilities to support management

1 missions, or development and testing of new man-  
2 agement concepts and business transformation ac-  
3 tivities.

4 (4) A designated activity or agency to lead  
5 management innovation activities.

6 (5) A process by which defense business process  
7 owners and other personnel of the Department of  
8 Defense can identify management and business proc-  
9 ess challenges and opportunities that could be ad-  
10 dressed by activities established under this section.

11 (6) Processes to develop, prototype, test, and  
12 field new business processes and practices to im-  
13 prove defense management capabilities.

14 (7) Academic research and educational activi-  
15 ties related to defense management missions to pro-  
16 mote—

17 (A) development of innovative management  
18 concepts;

19 (B) analyses and addressing of current  
20 management challenges; and

21 (C) development of programs and activities  
22 to develop a future defense management work-  
23 force.

24 (8) Such other activities as the Secretary con-  
25 siders appropriate.

1 (c) PLAN REQUIRED.—Not later than February 1,  
2 2023, the Secretary shall submit to the congressional de-  
3 fense committees a plan for activities established under  
4 this section.

5 (d) BRIEFINGS.—Not later than July 1, 2022, and  
6 July 1, 2023, the Secretary shall provide to the congres-  
7 sional defense committees briefings on activities estab-  
8 lished and plans developed under this section.

## 9 **TITLE X—GENERAL PROVISIONS**

### 10 **Subtitle A—Financial Matters**

#### 11 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

12 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

13 (1) AUTHORITY.—Upon determination by the  
14 Secretary of Defense that such action is necessary in  
15 the national interest, the Secretary may transfer  
16 amounts of authorizations made available to the De-  
17 partment of Defense in this division for fiscal year  
18 2022 between any such authorizations for that fiscal  
19 year (or any subdivisions thereof). Amounts of au-  
20 thorizations so transferred shall be merged with and  
21 be available for the same purposes as the authoriza-  
22 tion to which transferred.

23 (2) LIMITATION.—Except as provided in para-  
24 graph (3), the total amount of authorizations that

1 the Secretary may transfer under the authority of  
2 this section may not exceed \$6,000,000,000.

3 (3) EXCEPTION FOR TRANSFERS BETWEEN  
4 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-  
5 fer of funds between military personnel authoriza-  
6 tions under title IV shall not be counted toward the  
7 dollar limitation in paragraph (2).

8 (b) LIMITATIONS.—The authority provided by sub-  
9 section (a) to transfer authorizations—

10 (1) may only be used to provide authority for  
11 items that have a higher priority than the items  
12 from which authority is transferred; and

13 (2) may not be used to provide authority for an  
14 item that has been denied authorization by Con-  
15 gress.

16 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
17 transfer made from one account to another under the au-  
18 thority of this section shall be deemed to increase the  
19 amount authorized for the account to which the amount  
20 is transferred by an amount equal to the amount trans-  
21 ferred.

22 (d) NOTICE TO CONGRESS.—The Secretary shall  
23 promptly notify Congress of each transfer made under  
24 subsection (a).

1 **SEC. 1002. COMMISSION ON PLANNING, PROGRAMMING,**  
2 **BUDGETING, AND EXECUTION REFORM.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is hereby established,  
5 as of the date specified in paragraph (2), an inde-  
6 pendent commission in the legislative branch to be  
7 known as the “Commission on Planning, Program-  
8 ming, Budgeting, and Execution Reform” (in this  
9 section referred to as the “Commission”).

10 (2) DATE OF ESTABLISHMENT.—The date of  
11 establishment referred to in paragraph (1) is 30  
12 days after the date of the enactment of this Act.

13 (b) MEMBERSHIP.—

14 (1) NUMBER AND APPOINTMENT.—The Com-  
15 mission shall be composed of 10 members from pri-  
16 vate civilian life who are recognized experts and have  
17 relevant professional experience in matters relating  
18 to the planning, programming, budgeting, and exe-  
19 cution process of the Department of Defense. The  
20 members shall be appointed as follows:

21 (A) The Secretary of Defense shall appoint  
22 two members.

23 (B) The Chair and the Ranking Member of  
24 the Committee on Armed Services of the Senate  
25 shall each appoint one member.

1           (C) The Chair and the Ranking Member of  
2           the Committee on Armed Services of the House  
3           of Representatives shall each appoint one mem-  
4           ber.

5           (D) The Chair and the Ranking Member  
6           of the Subcommittee on Defense of the Com-  
7           mittee on Appropriations of the Senate shall  
8           each appoint one member.

9           (E) The Chair and the Ranking Member of  
10          the Subcommittee on Defense of the Committee  
11          on Appropriations of the House of Representa-  
12          tives shall each appoint one member.

13          (2) DEADLINE FOR APPOINTMENT.—Members  
14          shall be appointed to the Commission under para-  
15          graph (1) not later than 45 days after the Commis-  
16          sion establishment date specified under subsection  
17          (a)(2).

18          (3) EFFECT OF LACK OF APPOINTMENT BY AP-  
19          POINTMENT DATE.—If one or more appointments  
20          under paragraph (1) is not made by the appoint-  
21          ment date specified in paragraph (2), the authority  
22          to make such appointment or appointments shall ex-  
23          pire, and the number of members of the Commission  
24          shall be reduced by the number equal to the number  
25          of appointments so not made.

1 (c) CHAIR AND VICE CHAIR.—

2 (1) CHAIR.—The Chair of the Committee on  
3 Armed Services of the Senate and the Chair of the  
4 Committee on Armed Services of the House of Rep-  
5 resentatives shall jointly designate one member of  
6 the Commission to serve as Chair of the Commis-  
7 sion.

8 (2) VICE CHAIR.—The ranking member of the  
9 Committee on Armed Services of the Senate and the  
10 ranking member of the Committee on Armed Serv-  
11 ices of the House of Representatives shall jointly  
12 designate one member of the Commission to serve as  
13 Vice Chair of the Commission.

14 (d) PERIOD OF APPOINTMENT AND VACANCIES.—  
15 Members shall be appointed for the life of the Commission.  
16 A vacancy in the Commission shall not affect its powers  
17 and shall be filled in the same manner as the original ap-  
18 pointment was made.

19 (e) PURPOSE.—The purpose of the Commission is to  
20 examine and make recommendations with respect to the  
21 planning, programming, budgeting, and execution process  
22 of the Department of Defense.

23 (f) SCOPE AND DUTIES.—In order to provide the full-  
24 est understanding of the matters required under sub-

1 section (e), the Commission shall perform the following  
2 duties:

3 (1) The Commission shall review the planning,  
4 programming, budgeting, and execution process of  
5 the Department of Defense, including the develop-  
6 ment and production of the Defense Planning Guid-  
7 ance, the Program Objective Memorandum, and the  
8 Budget Estimate Submission.

9 (2) The Commission shall conduct a com-  
10 prehensive assessment of the efficacy and efficiency  
11 of all phases of the planning, programming, budg-  
12 eting, and execution process, including the roles of  
13 key Department officials and the timelines to com-  
14 plete the process.

15 (g) COMMISSION REPORT AND RECOMMENDA-  
16 TIONS.—

17 (1) REPORT.—Not later than one year after the  
18 Commission establishment date specified under sub-  
19 section (a)(2), the Commission shall transmit to the  
20 Secretary of Defense and to Congress a report con-  
21 taining the review and assessment conducted under  
22 subsection (f), together with any recommendations  
23 of the Commission. The report shall include the fol-  
24 lowing elements:

1 (A) An examination of the development of  
2 the Defense Planning Guidance, the Program  
3 Objective Memorandum, the Budget Estimate  
4 Submission, and any supporting documents.

5 (B) An analysis of the timelines involved in  
6 developing an annual budget request and the  
7 Future Years Defense Program, including the  
8 ability to make program changes within those  
9 timelines.

10 (C) A review of the sufficiency of the civil-  
11 ian personnel workforce in the Office of the  
12 Secretary of Defense and the Office of Cost As-  
13 sessment and Program Evaluation to conduct  
14 budgetary and program evaluation analysis.

15 (D) An examination of the obstacles that  
16 inhibit, and the efforts to develop, new and  
17 agile programming and budgeting processes to  
18 enable rapid development and integration of  
19 emerging technology to enable the United  
20 States to more effectively counter near-peer  
21 competitors.

22 (E) A review of the frequency and suffi-  
23 ciency of budget and program execution anal-  
24 ysis, to include any existing data analytics tools  
25 and any suggested improvements.

1           (F) Recommendations for reform for the  
2           Department to make internally.

3           (G) Recommendations for reform that re-  
4           quire legislation.

5           (H) Any other elements the Commission  
6           considers appropriate.

7           (2) INTERIM BRIEFING.—Not later than 180  
8           days after the Commission establishment date speci-  
9           fied in subsection (a)(2), the Commission shall pro-  
10          vide to the Committees on Armed Services of the  
11          Senate and the House of Representatives and the  
12          Subcommittees on Defense of the Committees on  
13          Appropriations of the Senate and the House of Rep-  
14          resentatives a briefing on the status of its review  
15          and assessment to include a discussion of any in-  
16          terim recommendations.

17          (3) FORM.—The report submitted to Congress  
18          under paragraph (1) shall be submitted in unclassi-  
19          fied form, but may include a classified annex.

20          (h) GOVERNMENT COOPERATION.—

21               (1) COOPERATION.—In carrying out its duties,  
22               the Commission shall receive the full and timely co-  
23               operation of the Secretary of Defense in providing  
24               the Commission with analysis, briefings, and other

1 information necessary for the fulfillment of its re-  
2 sponsibilities.

3 (2) LIAISON.—The Secretary shall designate at  
4 least one officer or employee of the Department of  
5 Defense to serve as a liaison officer between the De-  
6 partment and the Commission.

7 (3) DETAILEES AUTHORIZED.—The Secretary  
8 may provide, and the Commission may accept and  
9 employ, personnel detailed from the Department of  
10 Defense, without reimbursement.

11 (4) FACILITATION.—

12 (A) INDEPENDENT, NON-GOVERNMENT IN-  
13 STITUTE.—Not later than 45 days after the  
14 Commission establishment date specified in sub-  
15 section (a)(2), the Secretary of Defense shall  
16 make available to the Commission the services  
17 of an independent, non-governmental institute  
18 described in section 501(c)(3) of the Internal  
19 Revenue Code of 1986, and exempt from tax  
20 under section 501(a) of such Code, that has  
21 recognized credentials and expertise in national  
22 security and military affairs in order to facili-  
23 tate the Commission's discharge of its duties  
24 under this section.

1                   (B) FEDERALLY FUNDED RESEARCH AND  
2                   DEVELOPMENT CENTER.—On request of the  
3                   Commission, the Secretary of Defense shall  
4                   make available the services of a federally fund-  
5                   ed research and development center that is cov-  
6                   ered by a sponsoring agreement of the Depart-  
7                   ment of Defense in order to enhance the Com-  
8                   mission's efforts to discharge its duties under  
9                   this section.

10           (i) STAFF.—

11                   (1) STATUS AS FEDERAL EMPLOYEES.—Not-  
12                   withstanding the requirements of section 2105 of  
13                   title 5, United States Code, including the required  
14                   supervision under subsection (a)(3) of such section,  
15                   the members of the commission shall be deemed to  
16                   be Federal employees.

17                   (2) EXECUTIVE DIRECTOR.—The Commission  
18                   shall appoint and fix the rate of basic pay for an Ex-  
19                   ecutive Director in accordance with section 3161(d)  
20                   of title 5, United States Code.

21                   (3) PAY.—The Executive Director, with the ap-  
22                   proval of the Commission, may appoint and fix the  
23                   rate of basic pay for additional personnel as staff of  
24                   the Commission in accordance with section 3161(d)  
25                   of title 5, United States Code.

1 (j) PERSONAL SERVICES.—

2 (1) AUTHORITY TO PROCURE.—The Commis-  
3 sion may—

4 (A) procure the services of experts or con-  
5 sultants (or of organizations of experts or con-  
6 sultants) in accordance with the provisions of  
7 section 3109 of title 5, United States Code; and

8 (B) pay in connection with such services  
9 travel expenses of individuals, including trans-  
10 portation and per diem in lieu of subsistence,  
11 while such individuals are traveling from their  
12 homes or places of business to duty stations.

13 (2) MAXIMUM DAILY PAY RATES.—The daily  
14 rate paid an expert or consultant procured pursuant  
15 to paragraph (1) may not exceed the daily rate paid  
16 a person occupying a position at level IV of the Ex-  
17 ecutive Schedule under section 5315 of title 5,  
18 United States Code.

19 (k) AUTHORITY TO ACCEPT GIFTS.—The Commis-  
20 sion may accept, use, and dispose of gifts or donations  
21 of services, goods, and property from non-Federal entities  
22 for the purposes of aiding and facilitating the work of the  
23 Commission. The authority in this subsection does not ex-  
24 tend to gifts of money. Gifts accepted under this authority  
25 shall be documented, and conflicts of interest or the ap-

1 pearance of conflicts of interest shall be avoided. Subject  
2 to the authority in this section, commissioners shall other-  
3 wise comply with rules set forth by the Select Committee  
4 on Ethics of the Senate and the Committee on Ethics of  
5 the House of Representatives governing Senate and House  
6 employees.

7 (l) FUNDING.—Of the amounts authorized to be ap-  
8 propriated by this Act for fiscal year 2022 for the Depart-  
9 ment of Defense, up to \$5,000,000 shall be made available  
10 to the Commission to carry out its duties under this sub-  
11 title. Funds made available to the Commission under the  
12 preceding sentence shall remain available until expended.

13 (m) LEGISLATIVE ADVISORY COMMITTEE.—The  
14 Commission shall operate as a legislative advisory com-  
15 mittee and shall not be subject to the provisions of the  
16 Federal Advisory Committee Act (Public Law 92–463; 5  
17 U.S.C. App) or section 552b, United States Code (com-  
18 monly known as the Government in the Sunshine Act).

19 (n) CONTRACTING AUTHORITY.—The Commission  
20 may acquire administrative supplies and equipment for  
21 Commission use to the extent funds are available.

22 (o) USE OF GOVERNMENT INFORMATION.—The  
23 Commission may secure directly from any department or  
24 agency of the Federal Government such information as the  
25 Commission considers necessary to carry out its duties.

1 Upon such request of the chair of the Commission, the  
2 head of such department or agency shall furnish such in-  
3 formation to the Commission.

4 (p) **POSTAL SERVICES.**—The Commission may use  
5 the United States mail in the same manner and under the  
6 same conditions as departments and agencies of the  
7 United States.

8 (q) **SPACE FOR USE OF COMMISSION.**—Not later  
9 than 30 days after the establishment date of the Commis-  
10 sion, the Administrator of General Services, in consulta-  
11 tion with the Commission, shall identify and make avail-  
12 able suitable excess space within the Federal space inven-  
13 tory to house the operations of the Commission. If the Ad-  
14 ministrator is not able to make such suitable excess space  
15 available within such 30-day period, the Commission may  
16 lease space to the extent the funds are available.

17 (r) **REMOVAL OF MEMBERS.**—A member may be re-  
18 moved from the Commission for cause by the individual  
19 serving in the position responsible for the original appoint-  
20 ment of such member under subsection (b)(1), provided  
21 that notice has first been provided to such member of the  
22 cause for removal and voted and agreed upon by three  
23 quarters of the members serving. A vacancy created by  
24 the removal of a member under this subsection shall not  
25 affect the powers of the Commission, and shall be filled

1 in the same manner as the original appointment was  
2 made.

3 (s) TERMINATION.—The Commission shall terminate  
4 90 days after the date on which it submits the report re-  
5 quired by subsection (g).

6 **SEC. 1003. PLAN FOR CONSOLIDATION OF INFORMATION**  
7 **TECHNOLOGY SYSTEMS USED IN THE PLAN-**  
8 **NING, PROGRAMMING, BUDGETING, AND EXE-**  
9 **CUTION PROCESS.**

10 Not later than 180 days after the date of the enact-  
11 ment of this Act, the Under Secretary of Defense (Comp-  
12 troller), in consultation with the Chief Information Officer  
13 and the Chief Data Officer, shall submit to the congres-  
14 sional defense committees a plan to consolidate the infor-  
15 mation technology (IT) systems used to manage data and  
16 support the planning, programming, budgeting, and exe-  
17 cution (PPBE) process of the Department of Defense.  
18 The plan should incorporate those systems used by the  
19 military departments as well as those used by the defense-  
20 wide agencies, and should address the retirement or elimi-  
21 nation of such systems.

## 1 **Subtitle B—Counterdrug Activities**

2 **SEC. 1011. CODIFICATION AND EXPANSION OF AUTHORITY**  
3 **FOR JOINT TASK FORCES OF THE DEPART-**  
4 **MENT OF DEFENSE TO SUPPORT LAW EN-**  
5 **FORCEMENT AGENCIES CONDUCTING**  
6 **COUNTER-TERRORISM, COUNTER-ILLICIT**  
7 **TRAFFICKING, OR COUNTER-**  
8 **TRANSNATIONAL ORGANIZED CRIME ACTIVI-**  
9 **TIES.**

10 (a) CODIFICATION OF SECTION 1022 OF FY 2004  
11 NDAA.—Chapter 15 of title 10, United States Code, is  
12 amended by adding at the end a new section 285 con-  
13 sisting of—

14 (1) a heading as follows:

15 **“§ 285. Authority for joint task forces to support law**  
16 **enforcement agencies conducting**  
17 **counter-terrorism, counter-illicit traf-**  
18 **ficking, or counter-transnational orga-**  
19 **nized crime activities”;** and

20 (2) a text consisting of the text of section 1022  
21 of the National Defense Authorization Act for Fiscal  
22 Year 2004 (10 U.S.C. 271 note).

23 (b) AMENDMENTS.—Section 285 of title 10, United  
24 States Code, as added by subsection (a), is amended—

1           (1) in subsection (a), by inserting “, counter-il-  
2       licit trafficking activities,” after “counter-terrorism  
3       activities”;

4           (2) in subsection (b)—

5               (A) by striking “During fiscal years 2006  
6       through 2022, funds for drug interdiction” and  
7       inserting “Funds for drug interdiction”; and

8               (B) by inserting “, counter-illicit traf-  
9       ficking,” after “counter-terrorism”;

10          (3) in subsection (c)—

11               (A) in the matter preceding paragraph (1),  
12       by striking “of each year in which the authority  
13       in subsection (a) is in effect” and inserting “of  
14       each year”; and

15               (B) in paragraph (1)—

16                   (i) by inserting “counter-illicit traf-  
17       ficking,” after “on counter-drug,”; and

18                   (ii) by inserting “, counter-illicit traf-  
19       ficking,” after “provide counter-ter-  
20       rorism,”;

21          (4) in subsection (d)—

22               (A) in paragraph (2)(A)—

23                   (i) by inserting “, counter-illicit traf-  
24       ficking,” after “counter-terrorism”; and

25                   (ii) by striking “significantly”;

1 (B) by striking “(d) CONDITIONS.—(1)”  
2 and all that follows through “(2)(A) Support”  
3 and inserting “(d) CONDITIONS.—(1) Support”;

4 (C) by redesignating subparagraph (B) as  
5 paragraph (2); and

6 (D) in paragraph (2), as so redesignated—  
7 (i) in the first sentence—

8 (I) by striking “subparagraph  
9 (A)” and inserting “paragraph (1)”;  
10 and

11 (II) by striking “vital to” and in-  
12 serting “in”; and

13 (ii) in the second sentence, by striking  
14 “the vital” and inserting “the”; and

15 (5) by striking subsection (e) and inserting the  
16 following new subsection (e):

17 “(e) DEFINITIONS.—(1) In this section:

18 “(A) The term ‘illicit trafficking’ means the  
19 trafficking of money, human trafficking, illicit finan-  
20 cial flows, illegal trade in natural resources and wild-  
21 life, illegal maritime activities, or trade in illegal  
22 drugs and weapons, whether conducted by a  
23 transnational criminal organization or a state actor.

1           “(B) The term ‘transnational organized crime’  
2           has the meaning given such term in section 284(i)  
3           of this title.

4           “(2) For purposes of applying the definition of  
5           transnational organized crime under paragraph (1)(B) to  
6           this section, the term ‘illegal means’, as it appears in such  
7           definition, includes—

8                   “(A) illicit trafficking; and

9                   “(B) any other form of illegal means deter-  
10           mined by the Secretary of Defense.”.

11           (c) CONFORMING REPEAL.—Section 1022 of the Na-  
12           tional Defense Authorization Act for Fiscal Year 2004 (10  
13           U.S.C. 271 note) is repealed.

14           (d) CLERICAL AMENDMENT.—The table of sections  
15           at the beginning of chapter 15 of such title is amended  
16           by adding at the end the following new item:

          “285. Authority for joint task forces to support law enforcement agencies con-  
          ducting counter-terrorism, counter-illicit trafficking, or  
          counter-transnational organized crime activities.”.

17   **SEC. 1012. EXTENSION OF AUTHORITY TO SUPPORT A UNI-**  
18                   **IFIED COUNTERDRUG AND COUNTERTER-**  
19                   **RORISM CAMPAIGN IN COLOMBIA.**

20           Section 1021 of the Ronald W. Reagan National De-  
21           fense Authorization Act for Fiscal Year 2005 (Public Law  
22           108–375; 118 Stat. 2042), as most recently amended by  
23           section 1021 of the National Defense Authorization Act

1 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
2 1577), is further amended—

3           (1) in subsection (a)(1), by striking “2022” and  
4           inserting “2023”; and

5           (2) in subsection (c), by striking “2022” and  
6           inserting “2023”.

1                   **Subtitle C—Naval Vessels**

2   **SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CON-**  
3                   **STRUCTION PLAN.**

4           (a) IN GENERAL.—Section 231 of title 10, United  
5 States Code, is amended—

6                   (1) in subsection (b)(2), by adding at the end  
7 the following new subparagraphs:

8                   “(G) The expected service life of each vessel in  
9 the naval vessel force provided for under the naval  
10 vessel construction plan, disaggregated by ship class,  
11 and the rationale for any changes to such expecta-  
12 tions from the previous year’s plan.

13                   “(H) A certification by the appropriate Senior  
14 Technical Authority designated under section 8669b  
15 of this title of the expected service life of each vessel  
16 in the naval vessel force provided for under the naval  
17 vessel construction plan, disaggregated by ship class,  
18 and the rationale for any changes to such expecta-  
19 tions from the previous year’s plan.”; and

20                   (2) in subsection (f), by adding at the end the  
21 following new paragraph:

22                   “(6) The term ‘expected service life’ means the  
23 number of years a naval vessel is expected to be in  
24 service.”.

1 (b) REPEAL OF TERMINATION OF ANNUAL NAVAL  
2 VESSEL CONSTRUCTION PLAN.—Section 1061(c) of the  
3 National Defense Authorization Act for Fiscal Year 2017  
4 (Public Law 114–328; 10 U.S.C. 111 note) is amended  
5 by striking paragraph (15).

6 **SEC. 1022. NAVY BATTLE FORCE SHIP ASSESSMENT AND**  
7 **REQUIREMENT REPORTING.**

8 (a) IN GENERAL.—Chapter 863 of title 10, United  
9 States Code, is amended—

10 (1) by redesignating the second section 8692,  
11 as added by section 1026 of the William M. (Mac)  
12 Thornberry National Defense Authorization Act for  
13 Fiscal Year 2021 (Public Law 116–283), as section  
14 8693; and

15 (2) by inserting after section 8693, as redesign-  
16 nated by paragraph (1), the following new section:

17 **“§ 8694. Navy battle force ship assessment and re-**  
18 **quirement reporting**

19 “(a) IN GENERAL.—Not later than 180 days after  
20 the date on which a covered event occurs, the Chief of  
21 Naval Operations shall submit to the congressional de-  
22 fense committees a battle force ship assessment and re-  
23 quirement.

24 “(b) ASSESSMENT.—Each assessment required by  
25 subsection (a) shall include the following:

1           “(1) A review of the strategic guidance of the  
2           Federal Government, the Department of Defense,  
3           and the Navy for identifying priorities, missions, ob-  
4           jectives, and principles, in effect as of the date on  
5           which the assessment is submitted, that the force  
6           structure of the Navy must follow.

7           “(2) An identification of the steady-state de-  
8           mand for maritime security and security force assist-  
9           ance activities.

10           “(3) An identification of the force options that  
11           can satisfy the steady-state demands for activities  
12           required by theater campaign plans of combatant  
13           commanders.

14           “(4) A force optimization analysis that pro-  
15           duces a day-to-day global posture required to accom-  
16           plish peacetime and steady-state tasks assigned by  
17           combatant commanders.

18           “(5) A modeling of the ability of the force to  
19           fight and win scenarios approved by the Department  
20           of Defense.

21           “(6) A calculation of the number and global  
22           posture of each force element required to meet  
23           steady-state presence demands and warfighting re-  
24           sponse timelines.

1           “(c) REQUIREMENT.—(1) Each requirement required  
2 by subsection (a) shall—

3           “(A) be based on the assessment required by  
4 subsection (b); and

5           “(B) identify, for each of the fiscal years that  
6 are five, 10, 15, 20, 25, and 30 years from the date  
7 of the covered event—

8           “(i) the total number of battle force ships  
9 required;

10           “(ii) the number of battle force ships re-  
11 quired in each of the categories described in  
12 paragraph (2);

13           “(iii) the classes of battle ships included in  
14 each of the categories described in paragraph  
15 (2); and

16           “(iv) the number of battle force ships re-  
17 quired in each such class.

18           “(2) The categories described in this paragraph are  
19 the following:

20           “(A) Aircraft carriers.

21           “(B) Large surface combatants.

22           “(C) Small surface combatants.

23           “(D) Amphibious warfare ships.

24           “(E) Attack submarines.

25           “(F) Ballistic missile submarines.

1 “(G) Combat logistics force.

2 “(H) Expeditionary fast transport.

3 “(I) Expeditionary support base.

4 “(J) Command and support.

5 “(K) Other.

6 “(d) DEFINITIONS.—In this section:

7 “(1) The term ‘battle force ship’ means the fol-  
8 lowing:

9 “(A) A commissioned United States Ship  
10 warship capable of contributing to combat oper-  
11 ations.

12 “(B) A United States Naval Ship that con-  
13 tributes directly to Navy warfighting or support  
14 missions.

15 “(2) The term ‘covered event’ means a signifi-  
16 cant change to any of the following:

17 “(A) Strategic guidance that results in  
18 changes to theater campaign plans or  
19 warfighting scenarios.

20 “(B) Strategic construction of vessels or  
21 aircraft that affects sustainable peacetime pres-  
22 ence or warfighting response timelines.

23 “(C) Operating concepts, including employ-  
24 ment cycles, crewing constructs, or operational

1 tempo limits, that affect peacetime presence or  
2 warfighting response timelines.

3 “(D) Assigned missions that affect the  
4 type or quantity of force elements.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of chapter 863 of such title is amended  
7 by striking the item relating to the second section 8692  
8 and inserting the following new items:

“8693. Biennial report on shipbuilder training and the defense industrial base.  
“8694. Navy battle force ship assessment and requirement reporting.”.

9 (c) BASELINE ASSESSMENT AND REQUIREMENT RE-  
10 QUIRED.—The date that is 180 days after the date of the  
11 enactment of this Act is deemed to be a covered event for  
12 the purposes of establishing a baseline battle force ship  
13 assessment and requirement under section 8694 of title  
14 10, United States Code, as added by subsection (a).

## 15 **Subtitle D—Counterterrorism**

16 **SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
17 **FOR TRANSFER OR RELEASE OF INDIVID-**  
18 **UALS DETAINED AT UNITED STATES NAVAL**  
19 **STATION, GUANTANAMO BAY, CUBA, TO THE**  
20 **UNITED STATES.**

21 Section 1033 of the John S. McCain National De-  
22 fense Authorization Act for Fiscal Year 2019 (Public Law  
23 115–232; 132 Stat. 1953), as most recently amended by  
24 section 1041 of the William M. (Mac) Thornberry Na-

1 tional Defense Authorization Act for Fiscal Year 2021  
2 (Public Law 116–283), is further amended by striking  
3 “December 31, 2021” and inserting “December 31,  
4 2022”.

5 **SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
6 **TO CONSTRUCT OR MODIFY FACILITIES IN**  
7 **THE UNITED STATES TO HOUSE DETAINEES**  
8 **TRANSFERRED FROM UNITED STATES NAVAL**  
9 **STATION, GUANTANAMO BAY, CUBA.**

10 Section 1034(a) of the John S. McCain National De-  
11 fense Authorization Act for Fiscal Year 2019 (Public Law  
12 115–232; 132 Stat. 1954), as most recently amended by  
13 section 1042 of the William M. (Mac) Thornberry Na-  
14 tional Defense Authorization Act for Fiscal Year 2021  
15 (Public Law 116–283), is further amended by striking  
16 “December 31, 2021” and inserting “December 31,  
17 2022”.

18 **SEC. 1033. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
19 **FOR TRANSFER OR RELEASE OF INDIVID-**  
20 **UALS DETAINED AT UNITED STATES NAVAL**  
21 **STATION, GUANTANAMO BAY, CUBA, TO CER-**  
22 **TAIN COUNTRIES.**

23 Section 1035 of the John S. McCain National De-  
24 fense Authorization Act for Fiscal Year 2019 (Public Law  
25 115–232; 132 Stat. 1954), as most recently amended by

1 section 1043 of the William M. (Mac) Thornberry Na-  
2 tional Defense Authorization Act for Fiscal Year 2021  
3 (Public Law 116–283), is further amended by striking  
4 “December 31, 2021” and inserting “December 31,  
5 2022”.

6 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
7 **TO CLOSE OR RELINQUISH CONTROL OF**  
8 **UNITED STATES NAVAL STATION, GUANTA-**  
9 **NAMO BAY, CUBA.**

10 Section 1036 of the National Defense Authorization  
11 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.  
12 1551), as most recently amended by section 1044 of the  
13 William M. (Mac) Thornberry National Defense Author-  
14 ization Act for Fiscal Year 2021 (Public Law 116–283),  
15 is further amended by striking “fiscal years 2018 through  
16 2021” and inserting “any of fiscal years 2018 through  
17 2022”.

18 **SEC. 1035. REPORT ON MEDICAL CARE PROVIDED TO DE-**  
19 **TAINÉES AT UNITED STATES NAVAL STATION,**  
20 **GUANTANAMO BAY, CUBA.**

21 (a) REPORT.—Not later than 120 days after the date  
22 of the enactment of this Act, the Chief Medical Officer  
23 of United States Naval Station, Guantanamo Bay (in this  
24 section referred to as the “Chief Medical Officer”), shall  
25 submit to the Committees on Armed Services of the Sen-

1 ate and the House of Representatives a report on the pro-  
2 vision of medical care to individuals detained at Guanta-  
3 namo.

4 (b) ELEMENTS.—The report required by subsection  
5 (a) shall include the following:

6 (1) An assessment of the quality of medical  
7 care provided to individuals detained at Guanta-  
8 namo, including whether such care meets applicable  
9 standards of care.

10 (2) A description of the medical facilities and  
11 resources at United States Naval Station, Guanta-  
12 namo Bay, Cuba, available to individuals detained at  
13 Guantanamo.

14 (3) A description of the medical facilities and  
15 resources not at United States Naval Station, Guan-  
16 tanamo Bay, that would be made available to indi-  
17 viduals detained at Guantanamo as necessary to  
18 meet applicable standards of care.

19 (4) A description of the range of medical condi-  
20 tions experienced by individuals detained at Guanta-  
21 namo as of the date on which the report is sub-  
22 mitted.

23 (5) A description of the range of medical condi-  
24 tions likely to be experienced by individuals detained  
25 at Guantanamo, given the medical conditions of such

1 individuals as of the date on which the report is sub-  
2 mitted and the likely effects of aging.

3 (6) An assessment of any gaps between—

4 (A) the medical facilities and resources de-  
5 scribed in paragraphs (2) and (3); and

6 (B) the medical facilities and resources re-  
7 quired to provide medical care necessary to  
8 meet applicable standards of care for the med-  
9 ical conditions described in paragraphs (4) and  
10 (5).

11 (7) The plan of the Chief Medical Officer to ad-  
12 dress the gaps described in paragraph (6), including  
13 the estimated costs associated with addressing such  
14 gaps.

15 (8) An assessment of whether the Chief Medical  
16 Officer has secured from the Department of Defense  
17 access to individuals, information, or other assist-  
18 ance that the Chief Medical Officer considers nec-  
19 essary to enable the Chief Medical Officer to carry  
20 out the Chief Medical Officer's duties, including full  
21 and expeditious access to the following:

22 (A) Any individual detained at Guanta-  
23 namo.

24 (B) Any medical records of any individual  
25 detained at Guantanamo.

1 (C) Medical professionals of the Depart-  
2 ment who are working, or have worked, at  
3 United States Naval Station, Guantanamo Bay.

4 (c) FORM OF REPORT.—The report required by sub-  
5 section (a) shall be submitted in classified form.

6 (d) DEFINITIONS.—In this section, the terms “indi-  
7 vidual detained at Guantanamo”, “medical care”, and  
8 “standard of care” have the meanings given those terms  
9 in section 1046(e) of the National Defense Authorization  
10 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
11 1586; 10 U.S.C. 801 note).

12 **Subtitle E—Miscellaneous**  
13 **Authorities and Limitations**

14 **SEC. 1041. NOTIFICATION OF SIGNIFICANT ARMY FORCE**  
15 **STRUCTURE CHANGES.**

16 (a) NOTICE REQUIREMENTS.—No irrevocable action  
17 may be taken to implement a significant change to Army  
18 force structure, including the temporary establishment or  
19 stationing of a new or experimental unit of significance,  
20 or to announce such a change, until the Secretary of De-  
21 fense or the Secretary of the Army submits to the congres-  
22 sional defense committees written notification of the plan,  
23 including—

24 (1) details and timing of the planned change;

25 (2) justification for the planned change; and

1           (3) the estimated costs and implications of the  
2           planned change.

3           (b) EXCEPTION.—The notification requirement under  
4           subsection (a) does not apply if the Secretary of Defense  
5           certifies to the congressional defense committees in ad-  
6           vance that the planned Army force structure change must  
7           be implemented immediately for reasons of national secu-  
8           rity or military emergency.

9           (c) DEFINITION.—In this section, the term “signifi-  
10          cant change to Army force structure” means—

11           (1) a change in the number, type, or component  
12           of brigade-level organizations or higher-echelon  
13           headquarters;

14           (2) a change in the number or component of a  
15           high-interest capability such as THAAD or  
16           hypersonic weapon battery; or

17           (3) an increase or decrease of 1,000 or more  
18           military and or civilian personnel from a military  
19           function or specialty.

20 **SEC. 1042. EXTENSION OF ADMISSION TO GUAM OR THE**  
21 **COMMONWEALTH OF THE NORTHERN MAR-**  
22 **IANA ISLANDS FOR CERTAIN NONIMMIGRANT**  
23 **H-2B WORKERS.**

24           Section 6(b)(1)(B) of the Joint Resolution entitled  
25           “A Joint Resolution to approve the ‘Covenant to Establish

1 a Commonwealth of the Northern Mariana Islands in Po-  
2 litical Union with the United States of America’, and for  
3 other purposes”, approved March 24, 1976 (48 U.S.C.  
4 1806(b)(1)(B)), is amended by striking “December 31,  
5 2023” and inserting “December 31, 2029”.

## 6 **Subtitle F—Studies and Reports**

### 7 **SEC. 1051. REPORT ON IMPLEMENTATION OF IRREGULAR** 8 **WARFARE STRATEGY.**

9 (a) REPORT.—Not later than 180 days after the date  
10 of enactment of this Act, and annually thereafter through  
11 fiscal year 2027, the Secretary of Defense shall submit  
12 to the congressional defense committees a report on the  
13 activities and programs of the Department of Defense to  
14 implement the irregular warfare strategy consistent with  
15 the 2019 Annex to the National Defense Strategy.

16 (b) ELEMENTS OF REPORT.—The report required by  
17 section (a) shall include the following elements:

18 (1) A description and assessment of efforts to  
19 institutionalize the approach of the Department of  
20 Defense to irregular warfare and maintain a baseline  
21 of capabilities and expertise in irregular warfare in  
22 both conventional and special operations forces, in-  
23 cluding efforts to—

24 (A) institutionalize irregular warfare in  
25 force development and design;

1 (B) transform the approach of the Depart-  
2 ment of Defense to prioritize investments in  
3 and development of human capital for irregular  
4 warfare;

5 (C) ensure an approach to irregular war-  
6 fare that is agile, efficient, and effective by in-  
7 vesting in and developing capabilities in a cost-  
8 informed and resource-sustainable manner; and

9 (D) integrate irregular warfare approaches  
10 into operational plans and warfighting concepts  
11 for competition, crisis, and conflict.

12 (2) A description and assessment of efforts to  
13 operationalize the approach of the Department of  
14 Defense to irregular warfare to meet the full range  
15 of challenges posed by adversaries and competitors,  
16 including efforts to—

17 (A) execute proactive, enduring campaigns  
18 using irregular warfare capabilities to control  
19 the tempo of competition, shape the environ-  
20 ment, and increase the cost of hostilities  
21 against the United States and its allies;

22 (B) adopt a resource-sustainable approach  
23 to countering violent extremist organizations  
24 and consolidating gains against the enduring  
25 threat from these organizations;

1           (C) improve the ability of the Department  
2 of Defense to understand and operate within  
3 the networked, contested, and multi-domain en-  
4 vironment in which adversaries and competitors  
5 operate;

6           (D) foster and sustain unified action in ir-  
7 regular warfare including through collaboration  
8 and support of interagency partners in the for-  
9 mulation of assessments, plans, and the conduct  
10 of operations; and

11           (E) expand networks of allies and part-  
12 ners, including for the purpose of increasing the  
13 ability and willingness of allies and partners to  
14 defend their sovereignty, contribute to coalition  
15 operations, and advance common security initia-  
16 tives.

17           (3) A description of the status of the plan, to  
18 be produced by the Assistant Secretary of Defense  
19 for Special Operations and Low-Intensity Conflict  
20 and the Chairman of the Joint Chiefs of Staff, in co-  
21 ordination with the Combatant Commands and Serv-  
22 ices, to implement the objectives described in the  
23 2019 Irregular Warfare Annex to the National De-  
24 fense Strategy, and a description of efforts by the  
25 Components of the Department of Defense to expe-



1 (ii) improve metrics and methods for  
2 tracking projects that have transitioned  
3 into programs of record; and

4 (iii) minimize overlap with other re-  
5 search, development, and acquisition ef-  
6 forts.

7 (B) Such other matters as the Assistant  
8 Secretary of Defense for Special Operations and  
9 Low Intensity Conflict considers relevant.

10 (b) DEPARTMENT OF DEFENSE INSTRUCTION RE-  
11 QUIRED.—Not later than 270 days after the date of the  
12 enactment of this Act, the Assistant Secretary of Defense  
13 for Special Operations and Low Intensity Conflict, in co-  
14 ordination with the Under Secretary of Defense for Re-  
15 search and Engineering, the Under Secretary of Defense  
16 for Acquisition and Sustainment, and the Secretaries of  
17 the military departments, shall publish an updated De-  
18 partment of Defense Instruction in order to—

19 (1) define the objectives, organization, mission,  
20 customer base, and role of the Irregular Warfare  
21 Technical Support Directorate;

22 (2) ensure coordination with external program  
23 managers assigned to the military departments and  
24 the United States Special Operations Command;

1           (3) facilitate adequate oversight by the Assist-  
2           ant Secretary of Defense for Special Operations and  
3           Low Intensity Conflict, the Under Secretary of De-  
4           fense for Research and Engineering, and the Under  
5           Secretary of Defense for Acquisition and  
6           Sustainment; and

7           (4) address such other matters as the the As-  
8           sistant Secretary of Defense for Special Operations  
9           and Low Intensity Conflict considers relevant.

10 **SEC. 1053. QUARTERLY BRIEFINGS ON ANOMALOUS**  
11 **HEALTH INCIDENTS.**

12           (a) **BRIEFINGS REQUIRED.**—Not later than 90 days  
13 after the date of the enactment of this Act, and every 90  
14 days thereafter for two years, the Secretary of Defense  
15 shall brief the congressional defense committees on efforts  
16 of the Department of Defense to address anomalous  
17 health incidents.

18           (b) **ELEMENTS.**—Each briefing required by sub-  
19 section (a) shall include the following:

20           (1) An explanation of efforts of the Department  
21 to investigate, attribute, and mitigate the cause of  
22 anomalous health incidents, including any additional  
23 resources or authorities necessary to enhance such  
24 efforts.

1           (2) A description of the process used to ensure  
2 timely assessment and treatment of United States  
3 Government personnel who have suffered from an  
4 anomalous health incident, including any additional  
5 resources or authorities necessary to ensure ade-  
6 quate care for such personnel and their families.

7           (3) An articulation of efforts—

8                 (A) to improve training of personnel most  
9 at risk of experiencing anomalous health inci-  
10 dents; and

11                 (B) to encourage reporting of such inci-  
12 dents when they occur.

13           (4) Such other matters as the Secretary con-  
14 siders relevant.

## 15           **Subtitle G—Other Matters**

### 16 **SEC. 1061. COMMISSION ON THE NATIONAL DEFENSE** 17 **STRATEGY.**

18           (a) ESTABLISHMENT.—

19                 (1) IN GENERAL.—There is hereby established,  
20 as of the date specified in paragraph (2), an inde-  
21 pendent commission in the legislative branch to be  
22 known as the Commission on the National Defense  
23 Strategy for the United States (in this subtitle re-  
24 ferred to as the “Commission”).

1           (2) DATE OF ESTABLISHMENT.—The date of  
2           establishment referred to in paragraph (1) is the  
3           date that is not later than 30 days after the date on  
4           which the Secretary of Defense provides a national  
5           defense strategy as required by section 113(g) of  
6           title 10, United States Code.

7           (b) MEMBERSHIP.—

8           (1) NUMBER AND APPOINTMENT.—The Com-  
9           mission shall be composed of 12 members from pri-  
10          vate civilian life who are recognized experts in mat-  
11          ters relating to the national security of the United  
12          States. The members shall be appointed as follows:

13                   (A) The Chair of the Committee on Armed  
14                   Services of the Senate shall appoint 3 members.

15                   (B) The Ranking Member of the Com-  
16                   mittee on Armed Services of the Senate shall  
17                   appoint 3 members.

18                   (C) The Chair of the Committee on Armed  
19                   Services of the House of Representatives shall  
20                   appoint 3 members.

21                   (D) The Ranking Member of the Com-  
22                   mittee on Armed Services of the House of Rep-  
23                   resentatives shall appoint 3 members.

24           (2) DEADLINE FOR APPOINTMENT.—Members  
25          shall be appointed to the Commission under para-

1 graph (1) not later than 45 days after the Commis-  
2 sion establishment date specified under subsection  
3 (a)(2).

4 (3) EFFECT OF LACK OF APPOINTMENT BY AP-  
5 POINTMENT DATE.—If one or more appointments  
6 under paragraph (1) is not made by the appoint-  
7 ment date specified in paragraph (2), the authority  
8 to make such appointment or appointments shall ex-  
9 pire, and the number of members of the Commission  
10 shall be reduced by the number equal to the number  
11 of appointments so not made.

12 (c) CHAIR AND VICE CHAIR.—

13 (1) CHAIR.—The Chair of the Committee on  
14 Armed Services of the Senate and the Chair of the  
15 Committee on Armed Services of the House of Rep-  
16 resentatives shall jointly designate 1 member of the  
17 Commission to serve as Chair of the Commission.

18 (2) VICE CHAIR.—The Ranking Member of the  
19 Committee on Armed Services of the Senate and the  
20 Ranking Member of the Committee on Armed Serv-  
21 ices of the House of Representatives shall jointly  
22 designate 1 member of the Commission to serve as  
23 Vice Chair of the Commission.

24 (d) PERIOD OF APPOINTMENT AND VACANCIES.—  
25 Members shall be appointed for the life of the Commission.

1 A vacancy in the Commission shall not affect its powers,  
2 and shall be filled in the same manner as the original ap-  
3 pointment was made.

4 (e) PURPOSE.—The purpose of the Commission is to  
5 examine and make recommendations with respect to the  
6 national defense strategy for the United States.

7 (f) SCOPE AND DUTIES.—In order to provide the full-  
8 est understanding of the matters required under sub-  
9 section (e), the Commission shall perform the following  
10 duties:

11 (1) NATIONAL DEFENSE STRATEGY REVIEW.—  
12 The Commission shall review the most recent na-  
13 tional defense strategy of the United States includ-  
14 ing the assumptions, strategic objectives, priority  
15 missions, major investments in defense capabilities,  
16 force posture and structure, operational concepts,  
17 and strategic and military risks associated with the  
18 strategy.

19 (2) ASSESSMENT.—The Commission shall con-  
20 duct a comprehensive assessment of the strategic en-  
21 vironment to include the threats to the national se-  
22 curity of the United States, including both tradi-  
23 tional and non-traditional threats, the size and  
24 shape of the force, the readiness of the force, the  
25 posture, structure, and capabilities of the force, allo-

1 cation of resources, and the strategic and military  
2 risks in order to provide recommendations on the  
3 national defense strategy for the United States.

4 (g) COMMISSION REPORT AND RECOMMENDA-  
5 TIONS.—

6 (1) REPORT.—Not later than one year after the  
7 Commission establishment date specified under sub-  
8 section (a)(2), the Commission shall transmit to the  
9 President and Congress a report containing the re-  
10 view and assessment conducted under subsection (f),  
11 together with any recommendations of the Commis-  
12 sion. The report shall include the following elements:

13 (A) An appraisal of the strategic environ-  
14 ment, including an examination of the tradi-  
15 tional and non-traditional threats to the United  
16 States, and the potential for conflicts arising  
17 from such threats and security challenges.

18 (B) An evaluation of the strategic objec-  
19 tives of the Department of Defense for near-  
20 peer competition in support of the national se-  
21 curity interests of the United States.

22 (C) A review of the military missions for  
23 which the Department of Defense should pre-  
24 pare, including missions that support the inter-  
25 agency and a whole-of-government strategy.

1           (D) Identification of any gaps or  
2 redundancies in the roles and missions assigned  
3 to the Armed Forces necessary to carry out  
4 military missions identified in subparagraph  
5 (C), as well as the roles and capabilities pro-  
6 vided by other Federal agencies and by allies  
7 and international partners.

8           (E) An assessment of how the national de-  
9 fense strategy leverages other elements of na-  
10 tional power across the interagency to counter  
11 near-peer competitors.

12           (F) An evaluation of the resources nec-  
13 essary to support the strategy, including budget  
14 recommendations.

15           (G) An examination of the Department's  
16 efforts to develop new and innovative oper-  
17 ational concepts to enable the United States to  
18 more effectively counter near-peer competitors.

19           (H) An analysis of the force planning con-  
20 struct, including—

- 21                   (i) the size and shape of the force;  
22                   (ii) the posture, structure, and capa-  
23                   bilities of the force;  
24                   (iii) the readiness of the force;

1 (iv) infrastructure and organizational  
2 adjustments to the force;

3 (v) modifications to personnel require-  
4 ments, including professional military edu-  
5 cation; and

6 (vi) other elements of the defense pro-  
7 gram necessary to support the strategy.

8 (I) An assessment of the risks associated  
9 with the strategy, including the relationships  
10 and tradeoffs between missions, risks, and re-  
11 sources.

12 (J) Any other elements the Commission  
13 considers appropriate.

14 (2) INTERIM BRIEFINGS.—

15 (A) Not later than 180 days after the  
16 Commission establishment date specified in sub-  
17 section (a)(2), the Commission shall provide to  
18 the Committees on Armed Services of the Sen-  
19 ate and the House of Representatives a briefing  
20 on the status of its review and assessment to  
21 include a discussion of any interim rec-  
22 ommendations.

23 (B) At the request of the Chair and Rank-  
24 ing Member of the Committee on Armed Serv-  
25 ices of the Senate, or the Chair and Ranking

1 Member of the Committee on Armed Services of  
2 the House of Representatives, the Commission  
3 shall provide the requesting Committee with in-  
4 terim briefings in addition to the briefing re-  
5 quired by subparagraph (2)(A).

6 (3) FORM.—The report submitted to Congress  
7 under paragraph (1) of this subsection shall be sub-  
8 mitted in unclassified form, but may include a classi-  
9 fied annex.

10 (h) GOVERNMENT COOPERATION.—

11 (1) COOPERATION.—In carrying out its duties,  
12 the Commission shall receive the full and timely co-  
13 operation of the Secretary of Defense in providing  
14 the Commission with analysis, briefings, and other  
15 information necessary for the fulfillment of its re-  
16 sponsibilities.

17 (2) LIAISON.—The Secretary shall designate at  
18 least 1 officer or employee of the Department of De-  
19 fense to serve as a liaison officer between the De-  
20 partment and the Commission.

21 (3) DETAILEES AUTHORIZED.—The Secretary  
22 may provide, and the commission may accept and  
23 employ, personnel detailed from the Department of  
24 Defense, without reimbursement.

25 (4) FACILITATION.—

1 (A) INDEPENDENT, NON-GOVERNMENT IN-  
2 STITUTE.—Not later than 45 days after the  
3 Commission establishment date specified in sub-  
4 paragraph (a)(2), the Secretary of Defense  
5 shall make available to the Commission the  
6 services of an independent, non-governmental  
7 institute described in section 501(c)(3) of the  
8 Internal Revenue Code of 1986, and exempt  
9 from tax under section 501(a) of such Code,  
10 that has recognized credentials and expertise in  
11 national security and military affairs in order to  
12 facilitate the Commission’s discharge of its du-  
13 ties under this section.

14 (B) FEDERALLY FUNDED RESEARCH AND  
15 DEVELOPMENT CENTER.—On request of the  
16 Commission, the Secretary of Defense shall  
17 make available the services of a federally fund-  
18 ed research and development center that is cov-  
19 ered by a sponsoring agreement of the Depart-  
20 ment of Defense in order to enhance the Com-  
21 mission’s efforts to discharge its duties under  
22 this section.

23 (5) EXPEDITION OF SECURITY CLEARANCES.—  
24 The Office of Senate Security and the Office of  
25 House Security shall ensure the expedited processing

1 of appropriate security clearances for personnel ap-  
2 pointed to the commission by their respective Senate  
3 and House offices under processes developed for the  
4 clearance of legislative branch employees.

5 (i) STAFF.—

6 (1) STATUS AS FEDERAL EMPLOYEES.—Not-  
7 withstanding the requirements of section 2105 of  
8 title 5, United States Code, including the required  
9 supervision under subsection (a)(3) of such section,  
10 the members of the commission shall be deemed to  
11 be Federal employees.

12 (2) EXECUTIVE DIRECTOR.—The Commission  
13 shall appoint and fix the rate of basic pay for an Ex-  
14 ecutive Director in accordance with section 3161(d)  
15 of title 5, United States Code.

16 (3) PAY.—The Executive Director, with the ap-  
17 proval of the Commission, may appoint and fix the  
18 rate of basic pay for additional personnel as staff of  
19 the Commission in accordance with section 3161(d)  
20 of title 5, United States Code.

21 (j) PERSONAL SERVICES.—

22 (1) AUTHORITY TO PROCURE.—The Commis-  
23 sion may—

24 (A) procure the services of experts or con-  
25 sultants (or of organizations of experts or con-

1           sultants) in accordance with the provisions of  
2           section 3109 of title 5, United States Code; and

3           (B) pay in connection with such services  
4           travel expenses of individuals, including trans-  
5           portation and per diem in lieu of subsistence,  
6           while such individuals are traveling from their  
7           homes or places of business to duty stations.

8           (2) MAXIMUM DAILY PAY RATES.—The daily  
9           rate paid an expert or consultant procured pursuant  
10          to paragraph (1) may not exceed the daily rate paid  
11          a person occupying a position at level IV of the Ex-  
12          ecutive Schedule under section 5315 of title 5,  
13          United States Code.

14          (k) AUTHORITY TO ACCEPT GIFTS.—The Commis-  
15          sion may accept, use, and dispose of gifts or donations  
16          of services, goods, and property from non-Federal entities  
17          for the purposes of aiding and facilitating the work of the  
18          Commission. The authority in this subsection does not ex-  
19          tend to gifts of money. Gifts accepted under this authority  
20          shall be documented, and conflicts of interest or the ap-  
21          pearance of conflicts of interest shall be avoided. Subject  
22          to the authority in this section, commissioners shall other-  
23          wise comply with rules set forth by the Select Committee  
24          on Ethics of the United States Senate and the Committee

1 on Ethics of the House of Representatives governing Sen-  
2 ate and House employees.

3 (l) FUNDING.—Of the amounts authorized to be ap-  
4 propriated by this act for fiscal year 2022 for the Depart-  
5 ment of Defense, up to \$5,000,000 shall be made available  
6 to the Commission to carry out its duties under this sub-  
7 title. Funds made available to the Commission under the  
8 preceding sentence shall remain available until expended.

9 (m) LEGISLATIVE ADVISORY COMMITTEE.—The  
10 Commission shall operate as a legislative advisory com-  
11 mittee and shall not be subject to the provisions of the  
12 Federal Advisory Committee Act (Public Law 92–463; 5  
13 U.S.C. App) or section 552b, United States Code (com-  
14 monly known as the Government in the Sunshine Act).

15 (n) CONTRACTING AUTHORITY.—The Commission  
16 may acquire administrative supplies and equipment for  
17 Commission use to the extent funds are available.

18 (o) USE OF GOVERNMENT INFORMATION.—The  
19 Commission may secure directly from any department or  
20 agency of the Federal Government such information as the  
21 Commission considers necessary to carry out its duties.  
22 Upon such request of the chair of the Commission, the  
23 head of such department or agency shall furnish such in-  
24 formation to the Commission.

1           (p) **POSTAL SERVICES.**—The Commission may use  
2 the United States mail in the same manner and under the  
3 same conditions as departments and agencies of the  
4 United States.

5           (q) **SPACE FOR USE OF COMMISSION.**—Not later  
6 than 30 days after the establishment date of the Commis-  
7 sion, the Administrator of General Services, in consulta-  
8 tion with the Commission, shall identify and make avail-  
9 able suitable excess space within the Federal space inven-  
10 tory to house the operations of the Commission. If the Ad-  
11 ministrator is not able to make such suitable excess space  
12 available within such 30-day period, the Commission may  
13 lease space to the extent the funds are available.

14           (r) **REMOVAL OF MEMBERS.**—A member may be re-  
15 moved from the commission for cause by the individual  
16 serving in the position responsible for the original appoint-  
17 ment of such member under subsection (b)(1), provided  
18 that notice has first been provided to such member of the  
19 cause for removal, voted and agreed upon by three quar-  
20 ters of the members serving. A vacancy created by the re-  
21 moval of a member under this section shall not affect the  
22 powers of the commission, and shall be filled in the same  
23 manner as the original appointment was made.

1 (s) TERMINATION.—The Commission shall terminate  
2 90 days after the date on which it submits the report re-  
3 quired by subsection (g).

4 **SEC. 1062. ASSESSMENT OF REQUIREMENTS FOR AND MAN-**  
5 **AGEMENT OF ARMY THREE-DIMENSIONAL**  
6 **TERRAIN DATA.**

7 (a) JOINT ASSESSMENTS AND DETERMINATIONS.—  
8 The Vice Chairman of the Joint Chiefs of Staff, the Under  
9 Secretary of Defense for Intelligence and Security, and the  
10 Secretary of the Army, in consultation with other appro-  
11 priate Department of Defense officials, shall jointly—

12 (1) assess joint force requirements for three-di-  
13 mensional terrain data to achieve Combined Joint  
14 All-Domain Command and Control (CJADC2), in-  
15 cluding the use of such data for Multi-Domain Oper-  
16 ations’—

17 (A) training;

18 (B) planning;

19 (C) mission rehearsal;

20 (D) operations;

21 (E) after action review;

22 (F) intelligence, including geolocation sup-  
23 port to intelligence collection systems;

24 (G) targeting; and

25 (H) modeling and simulation;

1           (2) determine whether One World Terrain  
2 three-dimensional geospatial data meets the accu-  
3 racy, resolution, and currency required for precision  
4 targeting; and

5           (3) determine the optimum management and  
6 joint funding structure for the collection, production,  
7 storage, and consumption of three-dimensional ter-  
8 rain data, including consideration of—

9           (A) designating the Army as the Executive  
10 Agent for warfighter collection, production and  
11 consumption of three-dimensional geospatial  
12 content at the point-of-need; and

13           (B) designating the National Geospatial  
14 Intelligence Agency as Executive Agent for  
15 three-dimensional data validation and certifi-  
16 cation, enterprise storage and retrieval, joint  
17 three-dimensional data functions, and  
18 foundational three-dimensional geospatial intel-  
19 ligence;

20           (C) establishing governance structures  
21 across the military departments and the Na-  
22 tional Geospatial Intelligence Agency for the  
23 procurement and production of three-dimen-  
24 sional terrain data from commercial sources;  
25 and

1                   (D) establishing three-dimensional One  
2                   World Terrain as a program of record.

3           (b) ARMY MANAGEMENT CONSIDERATIONS.—If the  
4 Vice Chairman, the Under Secretary, and the Secretary  
5 of the Army determine that the Army should serve as the  
6 Executive Agent for Department of Defense three-dimen-  
7 sional terrain data, the Secretary shall determine the re-  
8 spective roles of the Army Acquisition Executive, including  
9 the Program Executive Officers for Simulation, Training,  
10 and Instrumentation and Intelligence, Electronic Warfare  
11 and Sensors, and the Army's Geographic Information Of-  
12 ficer and Geospatial Center (AGC).

13           (c) ADDITIONAL ARMY DETERMINATIONS.—The Sec-  
14 retary of the Army shall determine whether operational  
15 use of the Integrated Visual Augmentation System, and  
16 Army intelligence and mission command systems, require  
17 three-dimensional One World Terrain data for assigned  
18 operational missions, including targeting.

19           (d) BRIEFING REQUIRED.—Not later than 180 days  
20 after the date of the enactment of this Act, the Vice Chair-  
21 man, the Under Secretary, and the Secretary of the Army  
22 shall complete the assessments and determinations re-  
23 quired by this section and provide a briefing to the con-  
24 gressional defense committees on such assessments and  
25 determinations.

1 **SEC. 1063. MODIFICATION TO REGIONAL CENTERS FOR SE-**  
2 **CURITY STUDIES.**

3 (a) IN GENERAL.—Section 342(b)(2) of title 10,  
4 United States Code, is amended by adding at the end the  
5 following new subparagraph:

6 “(F) The Ted Stevens Center for Arctic  
7 Security Studies.”.

8 (b) ACCEPTANCE OF GIFTS AND DONATIONS.—Sec-  
9 tion 2611(a)(2) of title 10, United States Code, is amend-  
10 ed by adding at the end the following new subparagraph:

11 “(F) The Ted Stevens Center for Arctic  
12 Security Studies.”.

13 **TITLE XI—CIVILIAN PERSONNEL**  
14 **MATTERS**

15 **SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.**

16 Section 129(a) of title 10, United States Code, is  
17 amended—

18 (1) in the first sentence, by striking “primarily  
19 on the basis of and consistent with” and inserting  
20 “according to”; and

21 (2) by striking the second sentence.

22 **SEC. 1102. CONSIDERATION OF EMPLOYEE PERFORMANCE**  
23 **IN REDUCTIONS IN FORCE FOR CIVILIAN PO-**  
24 **SITIONS IN THE DEPARTMENT OF DEFENSE.**

25 Section 1597(e) title 10, United States Code, is  
26 amended—

1           (1) by striking the subsection heading and in-  
2           serting “CONSIDERATION OF EMPLOYEE PERFORM-  
3           ANCE IN REDUCTIONS”; and

4           (2) by striking “be made primarily on the basis  
5           of” and inserting “, among other factors as deter-  
6           mined by the Secretary, account for employee”.

7 **SEC. 1103. ENHANCEMENT OF RECUSAL FOR CONFLICTS OF**  
8           **PERSONAL INTEREST REQUIREMENTS FOR**  
9           **DEPARTMENT OF DEFENSE OFFICERS AND**  
10          **EMPLOYEES.**

11          (a) IN GENERAL.—In addition to the prohibition set  
12          forth in section 208 of title 18, United States Code, an  
13          officer or employee of the Department of Defense may not  
14          participate personally and substantially in any covered  
15          matter that the officer or employee knows, or reasonably  
16          should know, is likely to have a direct and predictable ef-  
17          fect on the financial interests of—

18               (1) any organization, including a trade organi-  
19               zation, for which the officer or employee has served  
20               as an employee, officer, director, trustee, or general  
21               partner in the past 4 years;

22               (2) a former direct competitor or client of any  
23               organization for which the officer or employee has  
24               served as an employee, officer, director, trustee, or  
25               general partner in the past 4 years; or

1           (3) any employer with whom the officer or em-  
2           ployee is seeking employment.

3           (b) CONSTRUCTION.—Nothing in this section shall be  
4           construed to terminate, alter, or make inapplicable any  
5           other prohibition or limitation in law or regulation on the  
6           participation of officers or employees of the Department  
7           of Defense in covered matters having an effect on their  
8           or related financial or other personal interests.

9           (c) COVERED MATTER DEFINED.—In this section,  
10          the term “covered matter”—

11           (1) means any matter that involves deliberation,  
12           decision, or action that is focused upon the interests  
13           of a specific person or a discrete and identifiable  
14           class of persons; and

15           (2) includes policymaking that is narrowly fo-  
16           cused on the interests of a discrete and identifiable  
17           class of persons.

18   **SEC. 1104. AUTHORITY TO EMPLOY CIVILIAN FACULTY**  
19                           **MEMBERS AT THE DEFENSE INSTITUTE OF**  
20                           **INTERNATIONAL LEGAL STUDIES.**

21          Section 1595(c) of title 10, United States Code, is  
22          amended by adding at the end the following new para-  
23          graph:

24                   “(6) The Defense Institute of International  
25          Legal Studies.”.

1 **SEC. 1105. EXTENSION OF TEMPORARY INCREASE IN MAX-**  
2 **IMUM AMOUNT OF VOLUNTARY SEPARATION**  
3 **INCENTIVE PAY AUTHORIZED FOR CIVILIAN**  
4 **EMPLOYEES OF THE DEPARTMENT OF DE-**  
5 **FENSE.**

6 (a) IN GENERAL.—Section 1107 of the National De-  
7 fense Authorization Act for Fiscal Year 2017 (5 U.S.C.  
8 9902 note) is amended by striking “September 30, 2021”  
9 and inserting “September 30, 2025”.

10 (b) BRIEFINGS.—Not later than December 31, 2023,  
11 and December 31, 2025, the Secretary of Defense shall  
12 provide a briefing to the Committee on Armed Services  
13 and the Committee on Homeland Security and Govern-  
14 mental Affairs of the Senate and the Committee on Armed  
15 Services and the Committee on Oversight and Reform of  
16 the House of Representatives including—

17 (1) a description of the effect of such section  
18 1107 (as amended by subsection (a)) on the man-  
19 agement of the Department of Defense civilian work-  
20 force during the most recently ended fiscal year;

21 (2) the number of employees offered voluntary  
22 separation incentive payments during such fiscal  
23 year by operation of such section; and

24 (3) the number of such employees that accepted  
25 such payments.

1 **SEC. 1106. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**  
2 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**  
3 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**  
4 **FICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency  
6 Supplemental Appropriations Act for Defense, the Global  
7 War on Terror, and Hurricane Recovery, 2006 (Public  
8 Law 109–234; 120 Stat. 443), as added by section 1102  
9 of the Duncan Hunter National Defense Authorization  
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
11 4616) and as most recently amended by section 1106 of  
12 the William M. (Mac) Thornberry National Defense Au-  
13 thorization Act for Fiscal Year 2021 (Public Law 116–  
14 283), is further amended by striking “2022” and inserting  
15 “2023”.

16 **SEC. 1107. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
17 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
18 **AGGREGATE LIMITATION ON PAY FOR FED-**  
19 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
20 **SEAS.**

21 Subsection (a) of section 1101 of the Duncan Hunter  
22 National Defense Authorization Act for Fiscal Year 2009  
23 (Public Law 110–417; 122 Stat. 4615), as most recently  
24 amended by section 1105 of the William M. (Mac) Thorn-  
25 berry National Defense Authorization Act for Fiscal Year

1 2021 (Public Law 116–283), is further amended by strik-  
2 ing “through 2021” and inserting “through 2022”.

3 **SEC. 1108. PILOT PROGRAM ON DIRECT HIRE AUTHORITY**  
4 **FOR SPOUSES OF MEMBERS OF THE UNI-**  
5 **FORMED SERVICES AT LOCATIONS OUTSIDE**  
6 **THE UNITED STATES.**

7 (a) **IN GENERAL.**—The Secretary of Defense may  
8 carry out a pilot program to assess the feasibility and ad-  
9 visability of using the authority under subsection (b) to  
10 hire spouses of members of the uniformed services at loca-  
11 tions outside the United States.

12 (b) **AUTHORITY.**—In carrying out the pilot program  
13 under this section, the Secretary may appoint, without re-  
14 gard to the provisions of subchapter I of chapter 33 of  
15 title 5, United States Code (other than sections 3303 and  
16 3328 of such chapter), a spouse of a member of the uni-  
17 formed services stationed at a duty location outside the  
18 United States to a position described in subsection (c) if—

19 (1) the spouse has been authorized to accom-  
20 pany the member to the duty location at Govern-  
21 ment expense; and

22 (2) the duty location is within reasonable com-  
23 muting distance, as determined by the Secretary  
24 concerned, of the location of the position.

1           (c) POSITION DESCRIBED.—A position described in  
2 this subsection is a competitive service position within the  
3 Department of Defense that is located outside the United  
4 States.

5           (d) TERM OF APPOINTMENT.—

6               (1) IN GENERAL.—An appointment made under  
7 this section shall be for a term not exceeding two  
8 years.

9               (2) RENEWAL.—The Secretary of Defense may  
10 renew an appointment made under this section for  
11 one additional term not exceeding two years.

12               (3) TERMINATION.—An appointment made  
13 under this section shall terminate on the date on  
14 which the member of the uniformed services relo-  
15 cates back to the United States in connection with  
16 a permanent change of station.

17           (e) PAYMENT OF TRAVEL AND TRANSPORTATION AL-  
18 LOWANCES.—Nothing in this section may be construed to  
19 authorize additional travel or transportation allowances in  
20 connection with an appointment made under this section.

21           (f) RELATIONSHIP TO OTHER LAW.—Nothing in this  
22 section may be construed to interfere with—

23               (1) the authority of the President under section  
24               3304 of title 5, United States Code;

1           (2) the authority of the President under section  
2           1784 of title 10, United States Code;

3           (3) the ability of the head of an agency to make  
4           noncompetitive appointments pursuant to section  
5           3330d of title 5, United States Code; or

6           (4) any obligation under any applicable treaty,  
7           status of forces agreement, or other international  
8           agreement between the United States Government  
9           and the government of the country in which the po-  
10          sition is located.

11          (g) REPORTS REQUIRED.—

12           (1) IN GENERAL.—Not later than one year  
13           after the date of the enactment of this Act, and an-  
14           nually thereafter, the Secretary of Defense shall sub-  
15           mit to the appropriate committees of Congress a re-  
16           port setting forth the following:

17           (A) The number of individuals appointed  
18           under this section.

19           (B) The position series and grade to which  
20           each individual described in subparagraph (A)  
21           was appointed.

22           (C) Demographic data on the individuals  
23           described in subparagraph (A), including with  
24           respect to race, gender, age, and education level  
25           attained.

1 (D) Data on the members of the uniformed  
2 services whose spouses have been appointed  
3 under this section, including the rank of each  
4 such member.

5 (E) Such recommendations for legislative  
6 or administrative action as the Secretary con-  
7 siders appropriate relating to continuing or ex-  
8 panding the pilot program.

9 (2) FINAL REPORT.—Not later than December  
10 31, 2026, the Secretary shall submit to the appro-  
11 priate committees of Congress a final report setting  
12 forth the information under paragraph (1).

13 (h) TERMINATION.—The pilot program under this  
14 section shall terminate on December 31, 2026.

15 (i) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-  
17 GRESS.—The term “appropriate committees of Con-  
18 gress” means—

19 (A) the Committee on Armed Services and  
20 the Committee on Homeland Security and Gov-  
21 ernmental Affairs of the Senate; and

22 (B) the Committee on Armed Services and  
23 the Committee on Oversight and Reform of the  
24 House of Representatives.

1           (2) SECRETARY CONCERNED.—The term “Sec-  
2       retary concerned”—

3           (A) has the meaning given the term in sec-  
4       tion 101(a)(9) of title 10, United States Code;  
5       and

6           (B) includes—

7           (i) the Secretary of Commerce, with  
8       respect to matters concerning the commis-  
9       sioned officer corps of the National Oce-  
10      anic and Atmospheric Administration; and

11          (ii) the Secretary of Health and  
12      Human Services, with respect to matters  
13      concerning the commissioned corps of the  
14      Public Health Service.

15          (3) UNIFORMED SERVICES.—The term “uni-  
16      formed services” has the meaning given the term in  
17      section 101(a)(5) of title 10, United States Code.

18          (4) UNITED STATES.—The term “United  
19      States” has the meaning given that term in section  
20      101(a)(1) of title 10, United States Code.

21 **SEC. 1109. CIVILIAN CYBERSECURITY RESERVE PILOT**  
22                   **PROJECT AT UNITED STATES CYBER COM-**  
23                   **MAND.**

24          (a) DEFINITIONS.—In this section:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Homeland Security  
5                   and Governmental Affairs of the Senate;

6                   (B) the Committee on Armed Services of  
7                   the Senate;

8                   (C) the Committee on Homeland Security  
9                   of the House of Representatives; and

10                  (D) the Committee on Armed Services of  
11                  the House of Representatives.

12           (2) COMMANDER.—The term “Commander”  
13           means the Commander of the United States Cyber  
14           Command.

15           (3) COMPETITIVE SERVICE.—The term “com-  
16           petitive service” has the meaning given the term in  
17           section 2102 of title 5, United States Code.

18           (4) EXCEPTED SERVICE.—The term “excepted  
19           service” has the meaning given the term in section  
20           2103 of title 5, United States Code.

21           (5) SIGNIFICANT INCIDENT.—The term “sig-  
22           nificant incident”—

23                   (A) means an incident or a group of re-  
24                   lated incidents that results, or is likely to re-  
25                   sult, in demonstrable harm to—

1 (i) the national security interests, for-  
2 eign relations, or economy of the United  
3 States; or

4 (ii) the public confidence, civil lib-  
5 erties, or public health and safety of the  
6 people of the United States; and

7 (B) does not include an incident or a por-  
8 tion of a group of related incidents that occurs  
9 on—

10 (i) a national security system, as de-  
11 fined in section 3552 of title 44, United  
12 States Code; or

13 (ii) an information system described  
14 in paragraph (2) or (3) of section 3553(e)  
15 of title 44, United States Code.

16 (6) TEMPORARY POSITION.—The term “tem-  
17 porary position” means a position in the competitive  
18 or excepted service for a period of 180 days or less.

19 (7) UNIFORMED SERVICES.—The term “uni-  
20 formed services” has the meaning given the term in  
21 section 2101 of title 5, United States Code.

22 (b) PILOT PROJECT.—

23 (1) IN GENERAL.—The Commander shall carry  
24 out a pilot project to establish a Civilian Cybersecu-  
25 rity Reserve at the United States Cyber Command.

1           (2) PURPOSE.—The purpose of the Civilian Cy-  
2           bersecurity Reserve is to enable the United States  
3           Cyber Command to effectively respond to significant  
4           incidents.

5           (3) ALTERNATIVE METHODS.—Consistent with  
6           section 4703 of title 5, United States Code, in car-  
7           rying out the pilot project required under paragraph  
8           (1), the Commander may, without further authoriza-  
9           tion from the Office of Personnel Management, pro-  
10          vide for alternative methods of—

11           (A) establishing qualifications require-  
12          ments for, recruitment of, and appointment to  
13          positions; and

14           (B) classifying positions.

15          (4) APPOINTMENTS.—Under the pilot project  
16          required under paragraph (1), upon occurrence of a  
17          significant incident, the Commander—

18           (A) may activate members of the Civilian  
19          Cybersecurity Reserve by—

20           (i) noncompetitively appointing mem-  
21          bers of the Civilian Cybersecurity Reserve  
22          to temporary positions in the competitive  
23          service; or

1 (ii) appointing members of the Civil-  
2 ian Cybersecurity Reserve to temporary po-  
3 sitions in the excepted service;

4 (B) shall notify Congress whenever a mem-  
5 ber is activated under subparagraph (A); and

6 (C) may appoint not more than 50 mem-  
7 bers to the Civilian Cybersecurity Reserve  
8 under subparagraph (A) at any time.

9 (5) STATUS AS EMPLOYEES.—An individual ap-  
10 pointed under paragraph (4) shall be considered a  
11 Federal civil service employee under section 2105 of  
12 title 5, United States Code.

13 (6) ADDITIONAL EMPLOYEES.—Individuals ap-  
14 pointed under paragraph (4) shall be in addition to  
15 any employees of the United States Cyber Command  
16 who provide cybersecurity services.

17 (7) EMPLOYMENT PROTECTIONS.—The Sec-  
18 retary of Labor shall prescribe such regulations as  
19 necessary to ensure the reemployment, continuation  
20 of benefits, and non-discrimination in reemployment  
21 of individuals appointed under paragraph (4), pro-  
22 vided that such regulations shall include, at a min-  
23 imum, those rights and obligations set forth under  
24 chapter 43 of title 38, United States Code.

1           (8) STATUS IN RESERVE.—During the period  
2 beginning on the date on which an individual is re-  
3 cruited by the United States Cyber Command to  
4 serve in the Civilian Cybersecurity Reserve and end-  
5 ing on the date on which the individual is appointed  
6 under paragraph (4), and during any period in be-  
7 tween any such appointments, the individual shall  
8 not be considered a Federal employee.

9           (c) ELIGIBILITY; APPLICATION AND SELECTION.—

10           (1) IN GENERAL.—Under the pilot project re-  
11 quired under subsection (b)(1), the Commander  
12 shall establish criteria for—

13                   (A) individuals to be eligible for the Civil-  
14 ian Cybersecurity Reserve; and

15                   (B) the application and selection processes  
16 for the Civilian Cybersecurity Reserve.

17           (2) REQUIREMENTS FOR INDIVIDUALS.—The  
18 criteria established under paragraph (1)(A) with re-  
19 spect to an individual shall include—

20                   (A) if the individual has previously served  
21 as a member of the Civilian Cybersecurity Re-  
22 serve, that the previous appointment ended not  
23 less than 60 days before the individual may be  
24 appointed for a subsequent temporary position  
25 in the Civilian Cybersecurity Reserve; and

1 (B) cybersecurity expertise.

2 (3) PRESCREENING.—The Commander shall—

3 (A) conduct a prescreening of each indi-  
4 vidual prior to appointment under subsection  
5 (b)(4) for any topic or product that would cre-  
6 ate a conflict of interest; and

7 (B) require each individual appointed  
8 under subsection (b)(4) to notify the Com-  
9 mander if a potential conflict of interest arises  
10 during the appointment.

11 (4) AGREEMENT REQUIRED.—An individual  
12 may become a member of the Civilian Cybersecurity  
13 Reserve only if the individual enters into an agree-  
14 ment with the Commander to become such a mem-  
15 ber, which shall set forth the rights and obligations  
16 of the individual and the United States Cyber Com-  
17 mand.

18 (5) EXCEPTION FOR CONTINUING MILITARY  
19 SERVICE COMMITMENTS.—A member of the Selected  
20 Reserve under section 10143 of title 10, United  
21 States Code, may not be a member of the Civilian  
22 Cybersecurity Reserve.

23 (6) PROHIBITION.—Any individual who is an  
24 employee of the executive branch may not be re-

1       cruted or appointed to serve in the Civilian Cyberse-  
2       curity Reserve.

3       (d) SECURITY CLEARANCES.—

4           (1) IN GENERAL.—The Commander shall en-  
5       sure that all members of the Civilian Cybersecurity  
6       Reserve undergo the appropriate personnel vetting  
7       and adjudication commensurate with the duties of  
8       the position, including a determination of eligibility  
9       for access to classified information where a security  
10      clearance is necessary, according to applicable policy  
11      and authorities.

12          (2) COST OF SPONSORING CLEARANCES.—If a  
13      member of the Civilian Cybersecurity Reserve re-  
14      quires a security clearance in order to carry out the  
15      duties of the member, the United States Cyber Com-  
16      mand shall be responsible for the cost of sponsoring  
17      the security clearance of the member.

18      (e) STUDY AND IMPLEMENTATION PLAN.—

19          (1) STUDY.—Not later than 60 days after the  
20      date of the enactment of this Act, the Commander  
21      shall begin a study on the design and implementa-  
22      tion of the pilot project required under subsection

23      (b)(1), including—

24            (A) compensation and benefits for mem-  
25      bers of the Civilian Cybersecurity Reserve;

1 (B) activities that members may undertake  
2 as part of their duties;

3 (C) methods for identifying and recruiting  
4 members, including alternatives to traditional  
5 qualifications requirements;

6 (D) methods for preventing conflicts of in-  
7 terest or other ethical concerns as a result of  
8 participation in the pilot project and details of  
9 mitigation efforts to address any conflict of in-  
10 terest concerns;

11 (E) resources, including additional fund-  
12 ing, needed to carry out the pilot project;

13 (F) possible penalties for individuals who  
14 do not respond to activation when called, in ac-  
15 cordance with the rights and procedures set  
16 forth under title 5, Code of Federal Regula-  
17 tions; and

18 (G) processes and requirements for train-  
19 ing and onboarding members.

20 (2) IMPLEMENTATION PLAN.—Not later than  
21 one year after beginning the study required under  
22 paragraph (1), the Commander shall—

23 (A) submit to the appropriate congres-  
24 sional committees an implementation plan for

1 the pilot project required under subsection  
2 (b)(1); and

3 (B) provide to the appropriate congress-  
4 sional committees a briefing on the implementa-  
5 tion plan.

6 (3) PROHIBITION.—The Commander may not  
7 take any action to begin implementation of the pilot  
8 project required under subsection (b)(1) until the  
9 Commander fulfills the requirements under para-  
10 graph (2).

11 (f) PROJECT GUIDANCE.—Not later than two years  
12 after the date of the enactment of this Act, the Com-  
13 mander shall, in consultation with the Office of Personnel  
14 Management and the Office of Government Ethics, issue  
15 guidance establishing and implementing the pilot project  
16 required under subsection (b)(1).

17 (g) BRIEFINGS AND REPORT.—

18 (1) BRIEFINGS.—Not later than one year after  
19 the date of the enactment of this Act, and every year  
20 thereafter until the date on which the pilot project  
21 required under subsection (b)(1) terminates under  
22 subsection (i), the Commander shall provide to the  
23 appropriate congressional committees a briefing on  
24 activities carried out under the pilot project, includ-  
25 ing—

1 (A) participation in the Civilian Cybersecu-  
2 rity Reserve, including the number of partici-  
3 pants, the diversity of participants, and any  
4 barriers to recruitment or retention of mem-  
5 bers;

6 (B) an evaluation of the ethical require-  
7 ments of the pilot project;

8 (C) whether the Civilian Cybersecurity Re-  
9 serve has been effective in providing additional  
10 capacity to the United States Cyber Command  
11 during significant incidents; and

12 (D) an evaluation of the eligibility require-  
13 ments for the pilot project.

14 (2) REPORT.—Not earlier than 180 days and  
15 not later than 90 days before the date on which the  
16 pilot project required under subsection (b)(1) termi-  
17 nates under subsection (i), the Commander shall  
18 submit to the appropriate congressional committees  
19 a report and provide a briefing on recommendations  
20 relating to the pilot project, including recommenda-  
21 tions for—

22 (A) whether the pilot project should be  
23 modified, extended in duration, or established  
24 as a permanent program, and if so, an appro-  
25 priate scope for the program;

1 (B) how to attract participants, ensure a  
2 diversity of participants, and address any bar-  
3 riers to recruitment or retention of members of  
4 the Civilian Cybersecurity Reserve;

5 (C) the ethical requirements of the pilot  
6 project and the effectiveness of mitigation ef-  
7 forts to address any conflict of interest con-  
8 cerns; and

9 (D) an evaluation of the eligibility require-  
10 ments for the pilot project.

11 (h) EVALUATION.—Not later than three years after  
12 the pilot project required under subsection (b)(1) is estab-  
13 lished, the Comptroller General of the United States  
14 shall—

15 (1) conduct a study evaluating the pilot project;

16 and

17 (2) submit to Congress—

18 (A) a report on the results of the study;

19 and

20 (B) a recommendation with respect to  
21 whether the pilot project should be modified.

22 (i) SUNSET.—The pilot project required under sub-  
23 section (b)(1) shall terminate on the date that is four  
24 years after the date on which the pilot project is estab-  
25 lished.

1 (j) NO ADDITIONAL FUNDS.—

2 (1) IN GENERAL.—No additional funds are au-  
3 thORIZED to be appropriated for the purpose of car-  
4 rying out this section.

5 (2) EXISTING AUTHORIZED AMOUNTS.—Funds  
6 to carry out this section may, as provided in advance  
7 in appropriations Acts, only come from amounts au-  
8 thORIZED to be appropriated to the United States  
9 Cyber Command.

10 **TITLE XII—MATTERS RELATING**  
11 **TO FOREIGN NATIONS**  
12 **Subtitle A—Assistance and**  
13 **Training**

14 **SEC. 1201. AUTHORITY TO BUILD CAPACITY FOR ADDI-**  
15 **TIONAL OPERATIONS.**

16 Section 333(a)(3) of title 10, United States Code, is  
17 amended by inserting “or other counter-illicit trafficking  
18 operations” before the period.

19 **SEC. 1202. ADMINISTRATIVE SUPPORT AND PAYMENT OF**  
20 **CERTAIN EXPENSES FOR COVERED FOREIGN**  
21 **DEFENSE PERSONNEL.**

22 (a) IN GENERAL.—Subchapter IV of chapter 16 of  
23 title 10, United States Code, is amended by adding at the  
24 end the following new section:

1 **“§ 334. Administrative support and payment of cer-**  
2 **tain expenses for covered foreign defense**  
3 **personnel**

4 “(a) IN GENERAL.—The Secretary of Defense may—

5 “(1) provide administrative services and sup-  
6 port to the United Nations Command for the per-  
7 formance of duties by covered foreign defense per-  
8 sonnel during the period in which the covered for-  
9 eign defense personnel are assigned to the United  
10 Nations Command or the Neutral Nations Super-  
11 visory Commission in accordance with the Korean  
12 War Armistice Agreement of 1953; and

13 “(2) pay the expenses specified in subsection  
14 (b) for covered foreign defense personnel who are—

15 “(A) from a developing country; and

16 “(B) assigned to the headquarters of the  
17 United Nations Command.

18 “(b) TYPES OF EXPENSES.—The types of expenses  
19 that may be paid under the authority of subsection (a)(2)  
20 are the following:

21 “(1) Travel and subsistence expenses directly  
22 related to the duties of covered foreign defense per-  
23 sonnel described in subsection (a)(2) in connection  
24 with the assignment of such covered foreign defense  
25 personnel.

1           “(2) Personal expenses directly related to car-  
2           rying out such duties.

3           “(3) Expenses for medical care at a military  
4           medical facility.

5           “(4) Expenses for medical care at a civilian  
6           medical facility, if—

7                   “(A) adequate medical care is not available  
8                   to such covered foreign defense personnel at a  
9                   local military medical treatment facility;

10                   “(B) the Secretary determines that pay-  
11                   ment of such medical expenses is necessary and  
12                   in the best interests of the United States; and

13                   “(C) medical care is not otherwise avail-  
14                   able to such covered foreign defense personnel  
15                   pursuant to a treaty or any other international  
16                   agreement.

17           “(5) Mission-related travel expenses, if—

18                   “(A) such travel is in direct support of the  
19                   national interests of the United States; and

20                   “(B) the Commander of the United Na-  
21                   tions Command directs round-trip travel from  
22                   the headquarters of the United Nations Com-  
23                   mand to one or more locations.

24           “(c) REIMBURSEMENT.—The Secretary may provide  
25           the administrative services and support and pay the ex-

1 penses authorized by subsection (a) with or without reim-  
2 bursement.

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘administrative services and sup-  
5 port’ means base or installation support services, fa-  
6 cilities use, base operations support, office space, of-  
7 fice supplies, utilities, copying services, computer  
8 support, communication services, fire and police pro-  
9 tection, postal services, bank services, transportation  
10 services, housing and temporary billeting (including  
11 ancillary services), specialized clothing required to  
12 perform assigned duties, temporary loan of special  
13 equipment, storage services, training services, and  
14 repair and maintenance services.

15 “(2) The term ‘covered foreign defense per-  
16 sonnel’ means members of the military of a foreign  
17 country who are assigned to—

18 “(A) the United Nations Command; or

19 “(B) the Neutral Nations Supervisory  
20 Commission.

21 “(3) The term ‘developing country’ has the  
22 meaning given the term in section 301(4) of this  
23 title.

24 “(4) The term ‘Neutral Nations Supervisory  
25 Commission’ means the delegations from Sweden

1 and Switzerland (or successor delegations) appointed  
2 in accordance with the Korean War Armistice Agree-  
3 ment of 1953 or its subsequent agreements.

4 “(5) The term ‘United Nations Command’  
5 means the headquarters of the United Nations Com-  
6 mand, the United Nations Command Military Armi-  
7 stice Commission, the United Nations Command-  
8 Rear, and the United Nations Command Honor  
9 Guard.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-  
11 tions at the beginning of subchapter IV of chapter 16 of  
12 title 10, United States Code, is amended by adding at the  
13 end the following new item:

“334. Administrative support and payment of certain expenses for covered for-  
eign defense personnel.”.

14 **SEC. 1203. AUTHORITY FOR CERTAIN REIMBURSABLE**  
15 **INTERCHANGE OF SUPPLIES AND SERVICES.**

16 Section 2571 of title 10, United States Code, is  
17 amended—

18 (1) by amending subsection (b) to read as fol-  
19 lows:

20 “(b)(1) If its head approves, a department or organi-  
21 zation within the Department of Defense may, upon re-  
22 quest, perform work and services for, or furnish supplies  
23 to, any other of those departments or organizations, with  
24 or without reimbursement or transfer of funds.

1 “(2) Use of the authority under this section for reim-  
2 bursable support is limited to support for the purpose of  
3 providing assistance to a foreign partner pursuant to sec-  
4 tion 333 and section 345 of this title.”; and

5 (2) by adding at the end the following new sub-  
6 section:

7 “(e)(1) An order placed by a department or organiza-  
8 tion on a reimbursable basis pursuant to subsection (b)  
9 shall be considered to be an obligation in the same manner  
10 as an order placed under section 6307 of title 41.

11 “(2) Amounts received as reimbursement shall be  
12 credited in accordance with section 2205 of this title to  
13 the appropriation of the supporting department or organi-  
14 zation used in incurring the obligation in the year or years  
15 that support is provided.”.

16 **SEC. 1204. EXTENSION AND MODIFICATION OF DEPART-**  
17 **MENT OF DEFENSE SUPPORT FOR STABILIZA-**  
18 **TION ACTIVITIES IN NATIONAL SECURITY IN-**  
19 **TEREST OF THE UNITED STATES.**

20 Section 1210A of the National Defense Authorization  
21 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.  
22 1626) is amended—

23 (1) in subsection (b), by amending paragraph  
24 (1) to read as follows:

1           “(1) IN GENERAL.—Amounts authorized to be  
2 provided pursuant to this section shall be available  
3 only for support for stabilization activities—

4                   “(A)(i) in a country specified in paragraph  
5 (2); and

6                   “(ii) that the Secretary of Defense, with  
7 the concurrence of the Secretary of State, has  
8 determined are in the national security interest  
9 of the United States; or

10                   “(B) in a country or region that has been  
11 selected as a priority country or region under  
12 section 505 of the Global Fragility Act of 2019  
13 (22 U.S.C. 9804).”;

14           (2) in subsection (g)(1), by striking “, Defense-  
15 wide”; and

16           (3) in subsection (h), by striking “December  
17 31, 2021” and inserting “December 31, 2023”.

18 **SEC. 1205. TEMPORARY AUTHORITY TO PAY FOR PER-**  
19 **SONNEL EXPENSES OF FOREIGN NATIONAL**  
20 **SECURITY FORCES PARTICIPATING IN THE**  
21 **TRAINING PROGRAM OF THE UNITED**  
22 **STATES-COLOMBIA ACTION PLAN FOR RE-**  
23 **GIONAL SECURITY.**

24           (a) AUTHORITY.—For fiscal year 2022, the Secretary  
25 of Defense is authorized to pay for the travel, subsistence,

1 and similar personnel expenses of the national security  
2 forces of a friendly foreign country to participate in the  
3 training program of the United States-Colombia Action  
4 Plan for Regional Security conducted at a facility in Co-  
5 lombia.

6 (b) NOTIFICATION.—Not later than 15 days before  
7 the exercise of the authority under subsection (a), the Sec-  
8 retary shall provide to the congressional defense commit-  
9 tees a written notification that includes the following:

10 (1) An identification of the foreign country, and  
11 the specific unit of the national security forces of  
12 such country, the capacity of which will be built by  
13 participating in such training program.

14 (2) The amount of support to be provided  
15 under that subsection.

16 (3) An identification of the United States  
17 equipment purchased or acquired by such foreign  
18 country, for the use of which training is being pro-  
19 vided under such training program.

20 (4) A description of the specific capabilities to  
21 be built through such training program with such  
22 support.

23 (5) A detailed description of the manner in  
24 which building the capabilities of such country

1 through such training program advances the na-  
2 tional security interests of the United States.

3 (6) A detailed assessment of the effectiveness of  
4 such training program in meeting Department of  
5 Defense requirements for building the capacity of  
6 such country.

7 (c) SOURCE OF FUNDS.—Of the amounts authorized  
8 to be appropriated for fiscal year 2022 for the Department  
9 of Defense for operation and maintenance, Defense-wide,  
10 the Secretary may obligate or expend such amounts as  
11 may be necessary to pay for expenses described in sub-  
12 section (a) for such fiscal year.

13 (d) LIMITATION.—The provision of support under  
14 subsection (a) shall be subject to section 362 of title 10,  
15 United States Code.

16 **SEC. 1206. SECURITY COOPERATION STRATEGY FOR CER-**  
17 **TAIN COMBATANT COMMANDS.**

18 (a) IN GENERAL.—The Secretary of Defense, in co-  
19 ordination with the Secretary of State, shall develop and  
20 implement a security cooperation strategy for each covered  
21 combatant command, which shall apply to the security co-  
22 operation programs and activities of the Department of  
23 Defense (as defined in section 301 of title 10, United  
24 States Code).

1 (b) PURPOSES.—The purposes of the strategies re-  
2 quired by subsection (a) are the following:

3 (1) To support and advance United States na-  
4 tional security interests in strategic competition with  
5 near-peer rivals.

6 (2) To build key capabilities of allied and part-  
7 ner security forces so as to enhance bilateral and  
8 multilateral interoperability and responsiveness in  
9 the event of a crisis.

10 (3) To build the capabilities of foreign partner  
11 security forces to secure their own territory, includ-  
12 ing through operations against violent extremist  
13 groups.

14 (4) To promote and build institutional capabili-  
15 ties for observance of, and respect for—

16 (A) the law of armed conflict;

17 (B) human rights and fundamental free-  
18 doms;

19 (C) the rule of law; and

20 (D) civilian control of the military.

21 (5) To support the programs and activities of  
22 law enforcement and civilian agencies to counter the  
23 threat of and reduce risks from illicit trafficking and  
24 transnational criminal organizations.

1 (c) ELEMENTS.—The strategy for each covered com-  
2 batant command required by subsection (a) shall include  
3 the following:

4 (1) A statement of the security cooperation  
5 strategic objectives for—

6 (A) the covered combatant command; and

7 (B) the covered combatant command in  
8 conjunction with other covered combatant com-  
9 mands.

10 (2) A description of the primary security co-  
11 operation lines of effort for achieving such strategic  
12 objectives, including prioritization of foreign part-  
13 ners within the covered combatant command.

14 (3) A description of the Department of Defense  
15 authorities to be used for each such line of effort  
16 and the manner in which such authorities will con-  
17 tribute to achieving such strategic objectives.

18 (4) A description of the institutional capacity-  
19 building programs and activities within the covered  
20 combatant command and an assessment of the man-  
21 ner in which such programs and activities contribute  
22 to achieving such strategic objectives.

23 (5) A description of the manner in which the  
24 development, planning, and implementation of pro-  
25 grams or activities under Department of Defense se-

1 security cooperation authorities are coordinated and  
2 deconflicted with security assistance and other as-  
3 sistance authorities of the Department of State and  
4 other civilian agencies.

5 (d) CONSULTATION.—In developing the strategy for  
6 each covered combatant command required by subsection  
7 (a), the Secretary of Defense shall consult with—

8 (1) the Under Secretary of Defense for Policy;

9 (2) the Chairman of the Joint Chiefs of Staff;

10 (3) the Director of the Defense Security Co-  
11 operation Agency; and

12 (4) the commander of the relevant covered com-  
13 batant command.

14 (e) REPORTS.—

15 (1) INITIAL REPORT.—Not later than 180 days  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Defense shall submit to the appropriate  
18 committees of Congress a report on the security co-  
19 operation strategy for each covered combatant com-  
20 mand developed under subsection (a).

21 (2) SUBSEQUENT REPORTS.—Beginning in fis-  
22 cal year 2023, and annually thereafter through fiscal  
23 year 2027, concurrently with the submittal of the re-  
24 port required by section 386(a) of title 10, United  
25 States Code, the Secretary of Defense shall submit

1 to the appropriate committees of Congress a report  
2 on the implementation of the security cooperation  
3 strategy for each covered combatant command devel-  
4 oped under subsection (a).

5 (f) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-  
7 GRESS.—The term “appropriate committees of Con-  
8 gress” means—

9 (A) the Committee on Armed Services, the  
10 Committee on Foreign Relations, and the Com-  
11 mittee on Appropriations of the Senate; and

12 (B) the Committee on Armed Services, the  
13 Committee on Foreign Affairs, and the Com-  
14 mittee on Appropriations of the House of Rep-  
15 resentatives.

16 (2) COVERED COMBATANT COMMAND.—The  
17 term “covered combatant command” means—

18 (A) the United States European Com-  
19 mand;

20 (B) the United States Indo-Pacific Com-  
21 mand;

22 (C) the United States Central Command;

23 (D) the United States Africa Command;

24 (E) the United States Southern Command;

25 and

1 (F) the United States Northern Command.

2 **SEC. 1207. PLAN FOR ENHANCING WESTERN HEMISPHERE**  
3 **SECURITY COOPERATION.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of the enactment of this Act, the Secretary of De-  
6 fense, in coordination with the Secretary of State, shall  
7 submit to the appropriate committees of Congress a plan  
8 for enhancing security cooperation and advancing United  
9 States strategic interests in the Western Hemisphere.

10 (b) ELEMENTS.—The plan required by subsection (a)  
11 shall include the following:

12 (1) Activities to expand bilateral and multilat-  
13 eral security cooperation in Latin America and the  
14 Caribbean so as to maintain consistent United  
15 States presence in the region.

16 (2) Activities to build the defense and security  
17 capacity (other than civilian law enforcement) of  
18 partner countries in Latin America and the Carib-  
19 bean.

20 (3) Activities to counter malign influence of  
21 state actors and transnational criminal organizations  
22 with connections to illicit trafficking, terrorism, or  
23 weapons proliferation.

24 (4) Efforts to disrupt, degrade, and counter  
25 transnational illicit trafficking, with an emphasis on

1 illicit narcotics and precursor chemicals that produce  
2 illicit narcotics.

3 (5) Activities to provide transparency and sup-  
4 port for strong and accountable defense institutions  
5 through institutional capacity-building efforts, in-  
6 cluding efforts to ensure compliance with inter-  
7 nationally recognized human rights standards.

8 (6) Steps to expand bilateral and multinational  
9 military exercises and training with partner coun-  
10 tries in Latin America and the Caribbean.

11 (7) The provision of assistance to—

12 (A) such partner countries for regional de-  
13 fense; and

14 (B) security organizations and institutions  
15 and national military or other security forces  
16 (other than civilian law enforcement) that carry  
17 out national or regional security missions.

18 (8) The provision of training and education to  
19 defense and security ministries, agencies, and head-  
20 quarters-level organizations for organizations and  
21 forces described in paragraph (7)(B).

22 (9) Activities to counter misinformation and  
23 disinformation campaigns and highlight corrupt,  
24 predatory, and illegal practices.

1           (10) The provision of Department of Defense  
2 humanitarian assistance and disaster relief to sup-  
3 port partner countries by promoting the development  
4 and growth of responsive institutions through activi-  
5 ties such as—

6           (A) the provision of equipment, training,  
7 and logistical support;

8           (B) transportation of humanitarian sup-  
9 plies or foreign security forces or personnel;

10          (C) making available, preparing, and  
11 transferring on-hand nonlethal Department of  
12 Defense stocks for humanitarian or health pur-  
13 poses to respond to unforeseen emergencies;

14          (D) the provision of Department of De-  
15 fense humanitarian de-mining assistance;

16          (E) conducting physical security and stock-  
17 pile-management activities; and

18          (F) conducting medical support operations  
19 or medical humanitarian missions, as appro-  
20 priate, such as hospital-ship deployments and  
21 base-operating services, to the extent required  
22 by the operation.

23          (11) Continued support for the Women, Peace,  
24 and Security efforts of the Department of State to

1 support the capacity of partner countries in the  
2 Western Hemisphere—

3 (A) to ensure that women and girls are  
4 safe and secure and the rights of women and  
5 girls are protected; and

6 (B) to promote the meaningful participa-  
7 tion of women in the defense and security sec-  
8 tors.

9 (12) The provision of support to increase the  
10 capacity and effectiveness of Department of Defense  
11 educational programs and institutions, such as the  
12 William J. Perry Center, and international institu-  
13 tions, such as the Inter-American Defense Board  
14 and the Inter-American Defense College, that pro-  
15 mote United States defense objectives through bilat-  
16 eral and regional relationships.

17 (13) Professional military education initiatives.

18 (14) The allocation of maritime vessels to the  
19 United States 4th Fleet.

20 (15) A detailed assessment of the resources re-  
21 quired to carry out such plan.

22 (c) APPROPRIATE COMMITTEES OF CONGRESS.—In  
23 this section, the term “appropriate committees of Con-  
24 gress” means—

1           (1) the Committee on Armed Services and the  
2           Committee on Foreign Relations of the Senate; and

3           (2) the Committee on Armed Services and the  
4           Committee on Foreign Affairs of the House of Rep-  
5           resentatives.

6 **SEC. 1208. PILOT PROGRAM TO SUPPORT THE IMPLEMEN-**  
7                           **TATION OF THE WOMEN, PEACE, AND SECU-**  
8                           **RITY ACT OF 2017.**

9           Section 1210E of the William M. (Mac) Thornberry  
10          National Defense Authorization Act for Fiscal Year 2021  
11          (Public Law 116–283) is amended by—

12           (1) redesignating subsection (f) as subsection  
13          (h); and

14           (2) by inserting after subsection (e) the fol-  
15          lowing new subsections (f) and (g):

16          “(f) PILOT PROGRAM.—

17           “(1) ESTABLISHMENT.—The Secretary of De-  
18          fense, in consultation with the Secretary of State,  
19          shall establish and carry out a pilot program for the  
20          purpose of conducting partner country assessments  
21          described in subsection (b)(2).

22           “(2) CONTRACT AUTHORITY.—The Secretary of  
23          Defense, in consultation with the Secretary of State,  
24          shall seek to enter into one or more contracts with  
25          a nonprofit organization or a federally funded re-

1 search and development center independent of the  
2 Department for the purpose of conducting such  
3 partner country assessments.

4 “(3) SELECTION OF COUNTRIES.—

5 “(A) IN GENERAL.—The Secretary of De-  
6 fense, in consultation with the commanders of  
7 the combatant commands and relevant United  
8 States ambassadors, shall select one partner  
9 country within the area of responsibility of each  
10 geographic combatant command for participa-  
11 tion in the pilot program.

12 “(B) CONSIDERATIONS.—In making the  
13 selection under subparagraph (A), the Secretary  
14 of Defense shall consider—

15 “(i) the demonstrated political com-  
16 mitment of the partner country to increas-  
17 ing the participation of women in the secu-  
18 rity sector; and

19 “(ii) the national security priorities  
20 and theater campaign strategies of the  
21 United States.

22 “(4) PARTNER COUNTRY ASSESSMENTS.—Part-  
23 ner country assessments conducted under the pilot  
24 program shall be—

1           “(A) adapted to the local context of the  
2 partner country being assessed;

3           “(B) conducted in collaboration with the  
4 security sector of the partner country being as-  
5 sessed; and

6           “(C) based on tested methodologies.

7           “(5) REVIEW AND ASSESSMENT.—With respect  
8 to each partner country assessment conducted under  
9 the pilot program, the Secretary of Defense, in con-  
10 sultation with the Secretary of State, shall—

11           “(A) review the methods of research and  
12 analysis used by any entity contracted with  
13 under paragraph (2) in conducting the assess-  
14 ment and identify lessons learned from such re-  
15 view; and

16           “(B) assess the ability of the Department  
17 to conduct future partner country assessments  
18 without entering into such a contract, including  
19 by assessing potential costs and benefits for the  
20 Department that may arise in conducting such  
21 future assessments.

22           “(6) FINDINGS.—

23           “(A) IN GENERAL.—The Secretary of De-  
24 fense, in consultation with the Secretary of  
25 State, shall use findings from each partner

1 country assessment to inform effective security  
2 cooperation activities and security sector assist-  
3 ance interventions by the United States in the  
4 partner country assessed, which shall be de-  
5 signed to substantially increase opportunities  
6 for the recruitment, employment, development,  
7 retention, deployment, and promotion of women  
8 in the national security forces of such partner  
9 country (including for deployments to peace op-  
10 erations and for participation in counterter-  
11 rorism operations and activities).

12 “(B) MODEL METHODOLOGY.—The Sec-  
13 retary of Defense, in consultation with the Sec-  
14 retary of State, shall develop, based on the find-  
15 ings of the pilot program, a model barrier as-  
16 sessment methodology for use across the geo-  
17 graphic combatant commands.

18 “(7) REPORTS.—

19 “(A) IN GENERAL.—Not later than 2 years  
20 after the date of the enactment of the National  
21 Defense Authorization Act for Fiscal Year  
22 2022, the Secretary of Defense, in consultation  
23 with the Secretary of State, shall submit to the  
24 appropriate committees of Congress an initial  
25 report on the implementation of the pilot pro-

1           gram under this subsection that includes an  
2           identification of the partner countries selected  
3           for participation in the program and the jus-  
4           tifications for such selections.

5           “(B) METHODOLOGY.—On the date on  
6           which the Secretary of Defense determines the  
7           pilot program to be complete, the Secretary of  
8           Defense, in consultation with the Secretary of  
9           State, shall submit to the appropriate commit-  
10          tees of Congress a report on the model barrier  
11          assessment methodology developed under para-  
12          graph (6)(B).

13          “(g) BRIEFING.—Not later than 1 year after the date  
14          of the enactment of the National Defense Authorization  
15          Act for Fiscal Year 2022, the Director of the Defense Se-  
16          curity Cooperation Agency shall provide to the appropriate  
17          committees of Congress a briefing on the efforts to build  
18          partner defense institution and security force capacity  
19          pursuant to this section.”.

20   **SEC. 1209. LIMITATION ON SUPPORT TO MILITARY FORCES**  
21                           **OF THE KINGDOM OF MOROCCO FOR BILAT-**  
22                           **ERAL OR MULTILATERAL EXERCISES.**

23          (a) IN GENERAL.—None of the funds authorized to  
24          be appropriated by this Act for fiscal year 2022 may be  
25          used by the Secretary of Defense to support the participa-

1 tion of the military forces of the Kingdom of Morocco in  
2 any bilateral or multilateral exercise administered by the  
3 Department of Defense unless the Secretary determines,  
4 and certifies to the congressional defense committees, that  
5 the Kingdom of Morocco has taken steps to support a final  
6 peace agreement with Western Sahara.

7 (b) WAIVER.—The Secretary may waive the applica-  
8 tion of the limitation under subsection (a) if the Secretary  
9 submits to the congressional defense committees—

10 (1) a written determination that the waiver is  
11 important to the national security interests of the  
12 United States; and

13 (2) a detailed explanation of the manner in  
14 which the waiver furthers such interests.

15 **Subtitle B—Matters Relating to**  
16 **Afghanistan and Pakistan**

17 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY**  
18 **FOR SUPPORT FOR RECONCILIATION ACTIVI-**  
19 **TIES LED BY THE GOVERNMENT OF AFGHANI-**  
20 **STAN AND PROHIBITION ON USE OF FUNDS**  
21 **FOR THE TALIBAN AND OTHER TERRORIST**  
22 **GROUPS.**

23 (a) EXTENSION AND MODIFICATION OF AUTHOR-  
24 ITY.—

1           (1) LOCATION OF COVERED SUPPORT.—Sub-  
2           section (e) of section 1218 of the National Defense  
3           Authorization Act for Fiscal Year 2020 (Public Law  
4           116–92; 132 Stat. 1633) is amended to read as fol-  
5           lows:

6           “(e) LOCATION OF COVERED SUPPORT.—

7           “(1) AFGHANISTAN.—The Secretary of Defense  
8           may provide covered support within Afghanistan.

9           “(2) OTHER COUNTRIES.— The Secretary of  
10          Defense may provide covered support in any country  
11          in the near abroad of Afghanistan if the Secretary  
12          of Defense, in coordination with the Secretary of  
13          State, determines, and certifies to the appropriate  
14          committees of Congress, that providing covered sup-  
15          port in such a country is in the national security in-  
16          terest of the United States.”.

17          (2) NOTIFICATION.—Subsection (f) of such sec-  
18          tion is amended, in the matter preceding paragraph  
19          (1), by striking “Pakistan” and inserting “any coun-  
20          try in the near abroad of Afghanistan”.

21          (3) REPORTS.—Subsection (j)(1) of such sec-  
22          tion is amended to read as follows:

23          “(1) IN GENERAL.— Not later than 90 days  
24          after the date on which the Secretary of Defense  
25          uses the authority under this section, and every 180

1 days thereafter, the Secretary of Defense, in coordi-  
2 nation with the Secretary of State, shall submit to  
3 the appropriate committees of Congress a report on  
4 the covered support provided pursuant to such use  
5 of authority.”.

6 (4) EXTENSION.—Subsection (k) of such sec-  
7 tion is amended by striking “December 31, 2021”  
8 and inserting “December 31, 2022”.

9 (5) NEAR ABROAD OF AFGHANISTAN DE-  
10 FINED.—Subsection (l) of such section is amended—

11 (A) by redesignating paragraphs (4) and  
12 (5) as paragraphs (5) and (6), respectively; and

13 (B) by inserting after paragraph (3) the  
14 following new paragraph (4):

15 “(4) NEAR ABROAD OF AFGHANISTAN.—The  
16 term ‘near abroad of Afghanistan’ means South  
17 Asia, Central Asia, and the Persian Gulf.”.

18 (b) PROHIBITION ON USE OF FUNDS FOR THE  
19 TALIBAN AND OTHER TERRORIST GROUPS.—None of the  
20 funds authorized to be appropriated by this Act may be  
21 made available for the transfer of funds, supplies, or other  
22 items of monetary value to the Taliban or members of  
23 other terrorist groups.

1 **SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY**  
2 **FOR REIMBURSEMENT OF CERTAIN COALI-**  
3 **TION NATIONS FOR SUPPORT PROVIDED TO**  
4 **UNITED STATES MILITARY OPERATIONS.**

5 (a) **EXTENSION.**—Subsection (a) of section 1233 of  
6 the National Defense Authorization Act for Fiscal Year  
7 2008 (Public Law 110–181; 122 Stat. 393) is amended  
8 by striking “beginning on October 1, 2020, and ending  
9 on December 31, 2021” and inserting “beginning on Octo-  
10 ber 1, 2021, and ending on December 31, 2022”.

11 (b) **MODIFICATION TO LIMITATION.**—Subsection  
12 (d)(1) of such section is amended—

13 (1) by striking “beginning on October 1, 2020,  
14 and ending on December 31, 2021” and inserting  
15 “beginning on October 1, 2021, and ending on De-  
16 cember 31, 2022”; and

17 (2) by striking “\$180,000,000” and inserting  
18 “\$160,000,000”.

19 **SEC. 1213. AFGHANISTAN SECURITY FORCES FUND.**

20 (a) **CONTINUATION OF PRIOR AUTHORITIES AND NO-**  
21 **TICE AND REPORTING REQUIREMENTS.**—Funds available  
22 to the Department of Defense for the Afghanistan Secu-  
23 rity Forces Fund for fiscal year 2022 shall be subject to  
24 the conditions contained in—

25 (1) subsections (b) through (f) of section 1513  
26 of the National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 122 Stat. 428);  
2 and

3 (2) section 1521(d)(1) of the National Defense  
4 Authorization Act for Fiscal Year 2017 (Public Law  
5 114–328; 130 Stat. 2577).

6 (b) USE OF FUNDS.—

7 (1) ADVISORS TO MINISTRIES.—Paragraph (1)  
8 of subsection (b) of such section 1513 is amended by  
9 inserting “, including costs of Department of De-  
10 fense personnel who advise such Ministries” before  
11 the period at the end.

12 (2) TYPE OF ASSISTANCE.—Such subsection (b)  
13 is further amended—

14 (A) in paragraph (2), by inserting “(in-  
15 cluding program and security assistance man-  
16 agement support)” after “services”; and

17 (B) by adding at the end the following new  
18 paragraph:

19 “(4) ADDITIONAL AUTHORITY.—

20 “(A) IN GENERAL.—Assistance under the  
21 authority of this section may be used, in con-  
22 sultation with the Secretary of State, as the  
23 Secretary of Defense considers necessary, to  
24 provide support and services described in sub-  
25 paragraph (B), or to reimburse coalition or

1 partner countries for the provision of such sup-  
2 port and services, to certain Afghan citizens  
3 and their spouses and dependents who—

4 “(i) as a consequence of their associa-  
5 tion with the United States or a coalition  
6 partner of the United States, have a well-  
7 founded fear of persecution; or

8 “(ii) are aliens described in section  
9 602(b)(2) of the Afghan Allies Protection  
10 Act of 2009 (Public Law 111–8; 8 U.S.C.  
11 1101 note).

12 “(B) SUPPORT AND SERVICES DE-  
13 SCRIBED.—The support and services described  
14 in this subparagraph are—

15 “(i) transportation outside of Afghani-  
16 stan for the purpose of awaiting visa proc-  
17 essing;

18 “(ii) security; and

19 “(iii) life support.”.

20 (c) EQUIPMENT DISPOSITION.—

21 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—

22 Subject to paragraph (2), the Secretary of Defense  
23 may accept equipment that is procured using  
24 amounts authorized to be appropriated for the Af-  
25 ghanistan Security Forces Fund by this Act and in-

1 tended for transfer to the security forces of the Min-  
2 istry of Defense and the Ministry of Interior Affairs  
3 of the Government of Afghanistan, but not accepted  
4 by such security forces.

5 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-  
6 MENT.—Before accepting any equipment under the  
7 authority provided under paragraph (1), the Com-  
8 mander of United States forces in Afghanistan shall  
9 make a determination as to whether such equipment  
10 was procured for the purpose of meeting require-  
11 ments of the security forces of the Ministry of De-  
12 fense and the Ministry of Interior Affairs of the  
13 Government of Afghanistan, as agreed to by the  
14 Government of Afghanistan and the United States  
15 Government, but is no longer required by such secu-  
16 rity forces or was damaged before transfer to such  
17 security forces.

18 (3) ELEMENTS OF DETERMINATION.—In mak-  
19 ing a determination under paragraph (2) with re-  
20 spect to equipment, the Commander of United  
21 States forces in Afghanistan shall consider alter-  
22 natives to the acceptance of such equipment by the  
23 Secretary of Defense.

24 (4) TREATMENT AS DEPARTMENT OF DEFENSE  
25 STOCKS.—Equipment accepted under the authority

1 provided under paragraph (1) may be treated as  
2 stocks of the Department of Defense upon notifica-  
3 tion to the congressional defense committees of such  
4 treatment.

5 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-  
6 POSITION.—

7 (A) IN GENERAL.—Not later than 90 days  
8 after the date of the enactment of this Act and  
9 every 90 days thereafter during the period in  
10 which the authority provided under paragraph  
11 (1) is exercised, the Secretary shall submit to  
12 the congressional defense committees a report  
13 describing the equipment accepted during the  
14 period covered by such report under the fol-  
15 lowing:

16 (i) This subsection.

17 (ii) Section 1521(b) of the National  
18 Defense Authorization Act for Fiscal Year  
19 2017 (Public Law 114–328; 130 Stat.  
20 2575).

21 (iii) Section 1531(b) of the National  
22 Defense Authorization Act for Fiscal Year  
23 2016 (Public Law 114–92; 129 Stat.  
24 1088).

1 (iv) Section 1532(b) of the Carl Levin  
2 and Howard P. “Buck” McKeon National  
3 Defense Authorization Act for Fiscal Year  
4 2015 (Public Law 113–291; 128 Stat.  
5 3613).

6 (v) Section 1531(d) of the National  
7 Defense Authorization Act for Fiscal Year  
8 2014 (Public Law 113–66; 127 Stat. 938;  
9 10 U.S.C. 2302 note).

10 (B) ELEMENTS.—Each report under sub-  
11 paragraph (A) shall include, with respect to the  
12 90-day period for which the report is sub-  
13 mitted—

14 (i) a list of any equipment accepted  
15 during such period and treated as stocks of  
16 the Department of Defense; and

17 (ii) copies of any determination made  
18 under paragraph (2) during such period,  
19 as required under paragraph (3).

20 (C) REIMBURSABLE TRANSACTION AU-  
21 THORITY FOR HELICOPTERS AND SMALL AIR-  
22 CRAFT.—The Secretary of Defense may use  
23 amounts authorized for the Afghanistan Secu-  
24 rity Forces Fund by this Act or the William M.  
25 (Mac) Thornberry National Defense Authoriza-

1           tion Act for Fiscal Year 2021 (Public Law  
2           116–283) to purchase helicopters and small air-  
3           craft from the Secretary of the Army.

4           (D) SECURITY OF AFGHAN WOMEN.—

5           (i) IN GENERAL.—Of the funds avail-  
6           able to the Department of Defense for the  
7           Afghanistan Security Forces Fund for fis-  
8           cal year 2022, it is the goal that up to  
9           \$27,500,000, but not less than  
10          \$10,000,000, shall be used for programs  
11          and activities for—

12           (I) the recruitment, integration,  
13           retention, training, and treatment of  
14           women in the Afghan National De-  
15           fense and Security Forces; and

16           (II) the recruitment, training,  
17           and contracting of female security  
18           personnel for future elections.

19           (ii) TYPES OF PROGRAMS AND ACTIVI-  
20           TIES.—Such programs and activities may  
21           include—

22           (I) recruitment and retention ef-  
23           forts with respect to women in the Af-  
24           ghan National Defense and Security

1 Forces, including the special oper-  
2 ations forces;

3 (II) programs and activities of  
4 the Directorate of Human Rights and  
5 Gender Integration of the Ministry of  
6 Defense and the Office of Human  
7 Rights, Gender, and Child Rights of  
8 the Ministry of Interior Affairs of the  
9 Government of Afghanistan;

10 (III) development and dissemina-  
11 tion of gender and human rights edu-  
12 cational and training materials and  
13 programs within the Ministry of De-  
14 fense and the Ministry of Interior Af-  
15 fairs of the Government of Afghani-  
16 stan;

17 (IV) efforts to address harass-  
18 ment and violence against women  
19 within the Afghan National Defense  
20 and Security Forces;

21 (V) improvements to infrastruc-  
22 ture that address the requirements of  
23 women serving in the Afghan National  
24 Defense and Security Forces, includ-  
25 ing appropriate equipment for female

1 security and police forces, remedi-  
2 ation, renovation, and protection of  
3 facilities used by women, and trans-  
4 portation for policewomen to their sta-  
5 tions;

6 (VI) support for Afghanistan Na-  
7 tional Police Family Response Units;

8 (VII) security provisions for  
9 high-profile female police and military  
10 officers;

11 (VIII) programs to promote con-  
12 flict prevention, management, and res-  
13 olution through the meaningful par-  
14 ticipation of Afghan women in the Af-  
15 ghan National Defense and Security  
16 Forces by exposing Afghan women  
17 and girls to the activities of and ca-  
18 reers available in such forces, encour-  
19 aging their interest in such careers, or  
20 developing their interest and the skills  
21 necessary for service in such forces;  
22 and

23 (IX) enhancements to Afghan  
24 National Defense and Security Forces  
25 recruitment programs for targeted ad-

1                   vertising with the goal of increasing  
2                   the number of female recruits.

3                   (E) PLAN FOR MAINTAINING OVERSIGHT  
4                   OF FUNDS AND ACTIVITIES.—Not later than 15  
5                   days after the date of the enactment of this  
6                   Act, the Secretary of Defense shall submit to  
7                   the appropriate committees of Congress a re-  
8                   port on the plan to execute oversight of funds  
9                   and activities authorized by this section without  
10                  a United States Armed Forces presence in Af-  
11                  ghanistan.

12                  (F) REPORT AND CERTIFICATION.—

13                   (i) REPORT.—

14                   (I) LIMITATION ON USE OF  
15                   FUNDS.—Not           more           than  
16                   \$1,000,000,000 of the funds author-  
17                   ized to be appropriated by this Act for  
18                   fiscal year 2022 may be expended  
19                   until the date on which the report re-  
20                   quired by subclause (II) is submitted.

21                   (II) REPORT.—The Secretary of  
22                   Defense, in consultation with the  
23                   heads of other Federal agencies, as  
24                   appropriate, shall submit to the ap-

1                   appropriate committees of Congress a  
2                   report that includes the following:

3                   (aa) The number of mem-  
4                   bers of the Afghan National De-  
5                   fense and Security Forces the  
6                   salaries of whom are funded  
7                   under the authority of this sec-  
8                   tion.

9                   (bb) The percentage of such  
10                  members of the Afghan National  
11                  Defense and Security Forces who  
12                  receive pay by direct electronic  
13                  deposit.

14                 (cc) A detailed description of  
15                 the process of the Department of  
16                 Defense for providing equipment  
17                 to the Afghan National Defense  
18                 and Security Forces, including a  
19                 list of locations from which over-  
20                 sight of distribution and mainte-  
21                 nance is conducted.

22                 (dd) A detailed description  
23                 of the process of the Department  
24                 of Defense for providing equip-  
25                 ment to the Afghan Air Force,

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1 including a list of locations from  
2 which oversight of distribution  
3 and maintenance is conducted.

4 (ii) CERTIFICATION.—

5 (I) LIMITATION ON USE OF  
6 FUNDS.—Not more than  
7 \$2,500,000,000 of the funds author-  
8 ized to be appropriated by this Act for  
9 fiscal year 2022 may be expended  
10 until the date on which the certifi-  
11 cation described in subclause (II) is  
12 made.

13 (II) CERTIFICATION.—The cer-  
14 tification described in this subclause is  
15 a certification by the Secretary of De-  
16 fense, in consultation with the heads  
17 of other Federal agencies, as appro-  
18 priate, that the Government of Af-  
19 ghanistan has met the following cri-  
20 teria:

21 (aa) The majority of mem-  
22 bers of the Afghan National De-  
23 fense and Security Forces receive  
24 pay by direct electronic deposit.

1 (bb) The Government of Af-  
2 ghanistan has demonstrated  
3 progress in ensuring that the  
4 weapons and equipment provided  
5 to the Afghan National Defense  
6 and Security Forces are—

7 (AA) distributed effec-  
8 tively to the intended units  
9 of the Afghan National De-  
10 fense and Security Forces;  
11 and

12 (BB) in compliance  
13 with appropriate end-use  
14 monitoring standards.

15 (cc) The Government of Af-  
16 ghanistan has demonstrated  
17 progress in ensuring that critical  
18 supplies, including fuel and am-  
19 munition, are delivered success-  
20 fully to the intended units of the  
21 Afghan National Defense and Se-  
22 curity Forces and periodically ac-  
23 counted for after delivery.

24 (dd) The Government of Af-  
25 ghanistan has demonstrated

1 progress in growing or  
2 transitioning maintenance re-  
3 sponsibilities for Afghan aircraft  
4 to Afghan personnel.

5 (ee) The Ministry of Defense  
6 and the Ministry of Interior Af-  
7 fairs of the Government of Af-  
8 ghanistan have made progress on  
9 reducing or mitigating corruption  
10 within the Afghan National De-  
11 fense and Security Forces.

12 (ff) The Afghan National  
13 Defense and Security Forces re-  
14 mains a viable partner force in  
15 countering threats from violent  
16 extremist organizations that use  
17 Afghanistan as a base for plan-  
18 ning or operations.

19 (III) WAIVER.—The Secretary of  
20 Defense may waive subclause (I) if  
21 the Secretary of Defense—

22 (aa) determines that with-  
23 holding assistance under that  
24 clause would impede the national

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1 security objectives of the United  
2 States; and

3 (bb) in consultation with the  
4 Secretary of State, certifies such  
5 determination to the congres-  
6 sional defense committees not  
7 later than 30 days before the ef-  
8 fective date of such waiver.

9 (G) APPROPRIATE COMMITTEES OF CON-  
10 GRESS DEFINED.—In this paragraph, the term  
11 “appropriate committees of Congress” means—

12 (i) the Committee on Armed Services  
13 and the Committee on Appropriations of  
14 the Senate; and

15 (ii) the Committee on Armed Services  
16 and the Committee on Appropriations of  
17 the House of Representatives.

18 **SEC. 1214. QUARTERLY SECURITY BRIEFINGS ON AFGHANI-**  
19 **STAN.**

20 (a) IN GENERAL.—Not later than January 15, 2022,  
21 and every 90 days thereafter through December 31, 2025,  
22 the Under Secretary of Defense for Policy shall provide  
23 to the congressional defense committees an unclassified  
24 briefing, with a classified component if necessary, on the

1 security situation in Afghanistan and ongoing Department  
2 of Defense efforts to counter terrorist groups.

3 (b) ELEMENTS.—Each briefing required by sub-  
4 section (a) shall include an assessment of each of the fol-  
5 lowing:

6 (1) The security situation in Afghanistan.

7 (2) The strength and effectiveness of the  
8 Taliban, al-Qaeda, the Islamic State of Khorasan,  
9 and associated forces.

10 (3) The international terrorism ambitions and  
11 capabilities of the Taliban, al-Qaeda, the Islamic  
12 State of Khorasan, and associated forces, and the  
13 extent to which such groups pose a threat to the  
14 United States.

15 (4) The strength and capacity of the Afghan  
16 National Defense and Security Forces and the effec-  
17 tiveness in countering threats to the stability of the  
18 Government of Afghanistan.

19 (5) The mission-capable rates for aircraft of the  
20 air force of Afghanistan and the effectiveness of air-  
21 craft maintenance conducted by the air force of Af-  
22 ghanistan.

23 (6) The effectiveness of Department of Defense  
24 efforts to train and advise the Afghan National De-  
25 fense and Security Forces.

1           (7) The effectiveness of the Department of De-  
2       fense in maintaining the accountability for, and  
3       overseeing the appropriate use of, the Afghan Secu-  
4       rity Forces Fund.

5           (8) The status of efforts to recruit, integrate,  
6       retain, and train women in the Afghan National De-  
7       fense and Security Forces.

8           (9) Any other matter the Under Secretary con-  
9       siders appropriate.

10 **SEC. 1215. SENSE OF SENATE AND BRIEFING ON COUNTER-**  
11 **TERRORISM POSTURE OF THE UNITED**  
12 **STATES AFTER TRANSITION OF UNITED**  
13 **STATES ARMED FORCES FROM AFGHANI-**  
14 **STAN.**

15       (a) SENSE OF SENATE.—It is the sense of the Senate  
16 that—

17           (1) the United States should ensure that Af-  
18       ghanistan will not be a source of planning, plotting,  
19       or projection of terrorist attacks around the globe,  
20       including against the United States homeland;

21           (2) the intelligence community’s annual threat  
22       assessment for 2021 warned that ISIS and al-Qaeda  
23       remain among “the greatest . . . terrorist threats to  
24       U.S. interests overseas; they also seek to conduct at-  
25       tacks inside the United States, although sustained

1 U.S. and allied [counterterrorism] pressure has  
2 broadly degraded their capability to do so”;

3 (3) the Afghan Study Group advised “that a  
4 complete U.S. withdrawal without a peace agreement  
5 would allow [al-Qaeda and ISIS] to gradually re-  
6 build their capabilities in the Afghanistan-Pakistan  
7 region such that they might be able to attack the  
8 U.S. homeland within eighteen to thirty-six  
9 months”;

10 (4) in the February 2020 agreement signed be-  
11 tween the United States and the Taliban, the  
12 Taliban promised not to allow “other individuals or  
13 groups, including al-Qaeda, to use the soil of Af-  
14 ghanistan to threaten the security of the United  
15 States and its allies”;

16 (5) in a report to the United Nations Security  
17 Council in May 2020, a United Nations monitoring  
18 team assessed that “al-Qaeda has been operating  
19 covertly in Afghanistan while still maintaining close  
20 relations with the Taliban”;

21 (6) the transition of United States and coalition  
22 forces from Afghanistan by September 11, 2021,  
23 should not be perceived as marking the end of ef-  
24 forts by the United States and its allies and part-

1           ners to counter and degrade the threat from al-  
2           Qaeda, ISIS, and other terrorist groups; and

3           (7) the United States should continue to devote  
4           sufficient resources, intelligence collection capabili-  
5           ties, and analysis to counter the terrorist threat  
6           from al-Qaeda, ISIS, and other terrorist groups that  
7           may seek to use Afghanistan as a safe haven.

8           (b) BRIEFING.—Not later than January 15, 2022,  
9           the Secretary of Defense, in coordination with the Director  
10          of National Intelligence, shall brief the appropriate com-  
11          mittees of Congress on—

12           (1) the intelligence, surveillance, and reconnais-  
13          sance capabilities and the access, basing, and over-  
14          flight requirements necessary—

15           (A) to determine whether the Taliban is  
16          abiding by its commitment to break ties with al-  
17          Qaeda;

18           (B) to determine whether al-Qaeda and  
19          ISIS have rebuilt their capabilities in Afghani-  
20          stan such that al-Qaeda and ISIS threaten the  
21          security of the United States and its allies; and

22           (C) to support counterterrorism operations  
23          necessary to degrade the ability of al-Qaeda and  
24          ISIS to threaten the United States and its al-

1           lies in the event that al-Qaeda or ISIS rebuilds  
2           their capabilities; and

3           (2) a plan for fulfilling such requirements.

4           (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
5 FINED.—In this section, the term “appropriate commit-  
6 tees of Congress” means—

7           (1) the Committee on Armed Services, the  
8           Committee on Appropriations, the Committee on  
9           Foreign Relations, and the Select Committee on In-  
10          telligence of the Senate; and

11          (2) the Committee on Armed Services, the  
12          Committee on Appropriations, the Committee on  
13          Foreign Affairs, and the Permanent Select Com-  
14          mittee on Intelligence of the House of Representa-  
15          tives.

16           **Subtitle C—Matters Relating to**  
17           **Syria, Iraq, and Iran**

18           **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY**  
19                           **TO PROVIDE ASSISTANCE TO VETTED SYRIAN**  
20                           **GROUPS AND INDIVIDUALS.**

21           (a) EXTENSION.—Subsection (a) of section 1209 of  
22 the Carl Levin and Howard P. “Buck” McKeon National  
23 Defense Authorization Act for Fiscal Year 2015 (Public  
24 Law 113–291; 127 Stat. 3451) is amended by striking

1 “December 31, 2021” and inserting “December 31,  
2 2022”.

3 (b) NOTICE BEFORE PROVISION OF ASSISTANCE.—  
4 Subsection (b)(2) of such section is amended by striking  
5 subparagraph (A) and inserting the following:

6 “(A) not later than 15 days before the ex-  
7 penditure of the first 25 percent of the total  
8 amount authorized to be appropriated in any  
9 fiscal year under this section; or”.

10 (c) TECHNICAL AMENDMENT.—The table of contents  
11 for the Carl Levin and Howard P. “Buck” McKeon Na-  
12 tional Defense Authorization Act for Fiscal Year 2015  
13 (Public Law 113–291; 127 Stat. 3293) is amended by  
14 striking the item relating to section 1209 and inserting  
15 the following:

“Sec. 1209. Authority to provide assistance to vetted Syrian groups and indi-  
viduals.”.

16 **SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**  
17 **TO SUPPORT OPERATIONS AND ACTIVITIES**  
18 **OF THE OFFICE OF SECURITY COOPERATION**  
19 **IN IRAQ.**

20 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-  
21 tion 1215 of the National Defense Authorization Act for  
22 Fiscal Year 2012 (10 U.S.C. 113 note) is amended by  
23 striking “fiscal year 2021” and inserting “fiscal year  
24 2022”.

1 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-  
2 tion is amended by striking “fiscal year 2021” and insert-  
3 ing “fiscal year 2022”.

4 (c) LIMITATION ON AVAILABILITY OF FUNDS.—Sub-  
5 section (h) of such section is amended to read as follows:

6 “(h) LIMITATION ON AVAILABILITY OF FUNDS.—Of  
7 the amount authorized to be appropriated by this Act for  
8 fiscal year 2022 to carry out this section, not more than  
9 \$10,000,000 may be obligated or expended for the Office  
10 of Security Cooperation in Iraq until the date on which  
11 the Secretary of Defense provides to the congressional de-  
12 fense committees, the Committee on Foreign Relations of  
13 the Senate, and the Committee on Foreign Affairs of the  
14 House of Representatives a report that—

15 “(1) details further steps to reorganize the Of-  
16 fice in a manner similar to that of other security co-  
17 operation offices in the region and indicates whether  
18 such reorganization will be achieved by 2023;

19 “(2) describes progress made toward the con-  
20 tinuation of bilateral engagement with the Govern-  
21 ment of Iraq, with the objective of establishing a  
22 joint mechanism for security assistance planning;

23 “(3) includes a five-year security assistance  
24 roadmap for developing sustainable military capacity

1 and capabilities and enabling defense institution  
2 building and reform; and

3 “(4) describes progress made toward, and a  
4 timeline for, the transition of the preponderance of  
5 funding for the activities of the Office from current  
6 sources to the Foreign Military Financing Adminis-  
7 trative Fund and the Foreign Military Sales Trust  
8 Fund Administrative Surcharge Account in future  
9 years.”.

10 **SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY**

11 **TO PROVIDE ASSISTANCE TO COUNTER THE**

12 **ISLAMIC STATE OF IRAQ AND SYRIA.**

13 (a) IN GENERAL.—Subsection (a) of section 1236 of  
14 the Carl Levin and Howard P. “Buck” McKeon National  
15 Defense Authorization Act for Fiscal Year 2015 (Public  
16 Law 113–291; 128 Stat. 3558) is amended by striking  
17 “December 31, 2021” and inserting “December 31,  
18 2022”.

19 (b) FUNDING.—Subsection (g) of such section is  
20 amended—

21 (1) by striking “fiscal year 2021” and inserting  
22 “fiscal year 2022”; and

23 (2) by striking “\$322,500,000” and inserting  
24 “\$345,000,000”.

1 (c) COST-SHARING REQUIREMENT.—Subsection (k)  
2 of such section is amended—

3 (1) by striking “60 percent” and inserting “75  
4 percent”; and

5 (2) by striking “50 percent” and inserting “25  
6 percent”.

7 (d) ASSESSMENT AND AUTHORITY TO ASSIST DI-  
8 RECTLY CERTAIN COVERED GROUPS.—Subsection  
9 (l)(1)(B) of such section is amended—

10 (1) by striking clause (ii);

11 (2) by redesignating clauses (iii) through (vii)  
12 as clauses (ii) through (vi), respectively;

13 (3) in clause (iv), as redesignated, by striking  
14 “, and once established, the Iraqi Sunni National  
15 Guard.”; and

16 (4) by adding at the end the following new  
17 clauses (vii) and (viii):

18 “(vii) Whether the Shia militias are  
19 gaining new malign capabilities or improv-  
20 ing such capabilities, and whether the Gov-  
21 ernment of Iraq is acting to counter or  
22 suppress those capabilities.

23 “(viii) Whether the Government of  
24 Iraq is acting to ensure the safety of  
25 United States Government personnel and

1 citizens, as well as the safety of United  
2 States facilities.”.

3 **Subtitle D—Matters Relating to Eu-**  
4 **rope and the Russian Federa-**  
5 **tion**

6 **SEC. 1231. EXTENSION OF LIMITATION ON MILITARY CO-**  
7 **OPERATION BETWEEN THE UNITED STATES**  
8 **AND THE RUSSIAN FEDERATION.**

9 Section 1232 of the National Defense Authorization  
10 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.  
11 2488) is amended by striking “2020, or 2021” and insert-  
12 ing “2020, 2021, or 2022”.

13 **SEC. 1232. EXTENSION OF PROHIBITION ON AVAILABILITY**  
14 **OF FUNDS RELATING TO SOVEREIGNTY OF**  
15 **THE RUSSIAN FEDERATION OVER CRIMEA.**

16 Section 1233(a) of the William M. (Mac) Thornberry  
17 National Defense Authorization Act for Fiscal Year 2021  
18 (Public Law 116–283) is amended by striking “2021” and  
19 inserting “2021 or 2022”.

20 **SEC. 1233. EXTENSION OF UKRAINE SECURITY ASSISTANCE**  
21 **INITIATIVE.**

22 Section 1250 of the National Defense Authorization  
23 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.  
24 1608) is amended—

25 (1) in subsection (c)—

1 (A) in paragraph (1), by striking “fiscal  
2 year 2021” and inserting “fiscal year 2022”;

3 (B) in paragraph (3), by striking “fiscal  
4 year 2021” and inserting “fiscal year 2022”;  
5 and

6 (C) in paragraph (5), by striking “fiscal  
7 year 2021” and inserting “fiscal year 2022”;

8 (2) in subsection (f), by adding at the end the  
9 following new paragraph:

10 “(7) For fiscal year 2022, \$300,000,000.”; and

11 (3) in subsection (h), by striking “December  
12 31, 2023” and inserting “December 31, 2024”.

13 **SEC. 1234. EXTENSION OF AUTHORITY FOR TRAINING FOR**  
14 **EASTERN EUROPEAN NATIONAL SECURITY**  
15 **FORCES IN THE COURSE OF MULTILATERAL**  
16 **EXERCISES.**

17 Subsection (h) of section 1251 of the National De-  
18 fense Authorization Act for Fiscal Year 2016 (10 U.S.C.  
19 333 note) is amended—

20 (1) in the first sentence, by striking “December  
21 31, 2023” and inserting “December 31, 2024”; and

22 (2) in the second sentence, by striking “the pe-  
23 riod beginning on October 1, 2015, and ending on  
24 December 31, 2023” and inserting “the period be-

1       ginning on October 1, 2015, and ending on Decem-  
2       ber 31, 2024.”.

3   **SEC. 1235. SENSE OF SENATE ON THE NORTH ATLANTIC**  
4                   **TREATY ORGANIZATION.**

5       It is the sense of the Senate that—

6           (1) the success of the North Atlantic Treaty  
7       Organization (NATO) is critical to achieving United  
8       States national security objectives in Europe and  
9       around the world;

10          (2) NATO remains the strongest and most suc-  
11       cessful military alliance in the world, founded on a  
12       commitment by its members to uphold the principles  
13       of democracy, individual liberty, and the rule of law;

14          (3) NATO’s contributions to collective defense  
15       are indispensable to the security, prosperity, and  
16       freedom of its members;

17          (4) the United States reaffirms its ironclad  
18       commitment to NATO as the foundation of trans-  
19       atlantic security and to upholding its obligations  
20       under the North Atlantic Treaty, including Article 5;

21          (5) NATO is meant to be an alliance of coun-  
22       tries with shared democratic values and the United  
23       States reaffirms its commitment to Article 2 of the  
24       North Atlantic Treaty, which states the following:

25       “The Parties will contribute toward the further de-

1       velopment of peaceful and friendly international rela-  
2       tions by strengthening their free institutions, by  
3       bringing about a better understanding of the prin-  
4       ciples upon which these institutions are founded, and  
5       by promoting conditions of stability and well-being.  
6       They will seek to eliminate conflict in their inter-  
7       national economic policies and will encourage eco-  
8       nomic collaboration between any or all of them.”;

9               (6) the commitment of NATO allies during 18  
10       years of security, humanitarian, and stabilization op-  
11       erations in Afghanistan has been invaluable, and the  
12       sacrifices of NATO allies deserve the highest order  
13       of respect and gratitude;

14              (7) the United States remains focused on long-  
15       term strategic competition with Russia, and a strong  
16       NATO alliance plays an essential role in addressing  
17       such competition and mitigating shared security con-  
18       cerns;

19              (8) the United States should—

20                    (A) deepen defense cooperation with non-  
21       NATO European partners, bilaterally and as  
22       part of the NATO alliance; and

23                    (B) encourage security sector cooperation  
24       between NATO and non-NATO defense part-  
25       ners that complements and strengthens collec-

1           tive defense, interoperability, and allies' com-  
2           mitment to Article 3 of the North Atlantic  
3           Treaty;

4           (9) bolstering NATO cooperation and enhanc-  
5           ing security relationships with non-NATO European  
6           partners to counter Russian aggression, including  
7           Russia's use of hybrid warfare tactics and its will-  
8           ingness to use military power to alter the status quo,  
9           strengthens the United States security interests for  
10          long-term strategic competition;

11          (10) the European Deterrence Initiative,  
12          through investments to increase United States mili-  
13          tary presence, bolster exercises and training, en-  
14          hance pre-positioning of equipment, improve infra-  
15          structure, and build partner capacity, and invest-  
16          ments toward such efforts by NATO allies and other  
17          allies and partners, remain critical to ensuring col-  
18          lective defense in the future;

19          (11) the United States should—

20                 (A) continue to support efforts by NATO  
21                 allies to replace Soviet-era military systems and  
22                 equipment with systems that are interoperable  
23                 among NATO members; and

24                 (B) work with NATO allies and other al-  
25                 lies and partners to build permanent mecha-

1 nisms to strengthen supply chains, enhance  
2 supply chain security, and fill supply chain  
3 gaps, including in critical sectors such as de-  
4 fense, energy, and health; and

5 (12) the United States and NATO allies  
6 should—

7 (A) continue—

8 (i) to carry out key initiatives to en-  
9 hance readiness, military mobility, and na-  
10 tional resilience in support of NATO's on-  
11 going COVID-19 pandemic response ef-  
12 forts;

13 (ii) to collaborate on ways to enhance  
14 collective security, with a focus on emerg-  
15 ing and revolutionary technologies such as  
16 quantum computing, artificial intelligence,  
17 fifth generation telecommunications net-  
18 works, and machine learning; and

19 (iii) to build on recent progress in  
20 achieving defense spending goals agreed to  
21 at the 2014 Wales Summit and reaffirmed  
22 at the 2016 Warsaw Summit and the 2021  
23 Brussels Summit, and to build consensus  
24 to invest in the full range of defense capa-

1                   bilities necessary to deter and defend  
2                   against potential adversaries; and

3                   (B) expand cooperation efforts on cyberse-  
4                   curity issues to prevent adversaries and crimi-  
5                   nals from compromising critical systems and in-  
6                   frastructure.

7 **SEC. 1236. SENSE OF SENATE ON CONTINUING SUPPORT**  
8                   **FOR ESTONIA, LATVIA, AND LITHUANIA.**

9                   It is the sense of the Senate that—

10                  (1) the United States should continue to  
11                  prioritize support for efforts by the Baltic states of  
12                  Estonia, Latvia, and Lithuania to build and invest  
13                  in critical security areas, as such efforts are impor-  
14                  tant to achieving United States national security ob-  
15                  jectives;

16                  (2) Estonia, Latvia, and Lithuania play a cru-  
17                  cial role in strategic efforts—

18                         (A) to deter the Russian Federation; and

19                         (B) to maintain the collective security of  
20                         the North Atlantic Treaty Organization alli-  
21                         ance;

22                  (3) the United States should continue to pursue  
23                  efforts consistent with the comprehensive, multilat-  
24                  eral assessment of the military requirements of Es-

1           tonia, Latvia, and Lithuania provided to Congress in  
2           December 2020;

3           (4) the Baltic security cooperation roadmap has  
4           proven to be a successful model to enhance  
5           intraregional Baltic planning and cooperation, par-  
6           ticularly with respect to longer-term regional capa-  
7           bility projects, including—

8                   (A) integrated air defense;

9                   (B) maritime domain awareness;

10                  (C) command, control, communications,  
11                  computers, intelligence, surveillance, and recon-  
12                  naissance; and

13                  (D) Special Operations Forces develop-  
14                  ment;

15           (5) Estonia, Latvia, and Lithuania are to be  
16           commended for their efforts to pursue joint procure-  
17           ment of select defense capabilities and should ex-  
18           plore additional areas for joint collaboration; and

19           (6) the Department of Defense should—

20                   (A) continue efforts to enhance interoper-  
21                   ability among Estonia, Latvia, and Lithuania  
22                   and in support of North Atlantic Treaty Orga-  
23                   nization efforts;

24                   (B) encourage infrastructure and other  
25                   host-country support improvements that will en-

1           hance United States and allied military mobility  
2           across the region;

3                   (C) invest in efforts to improve resilience  
4           to hybrid threats and cyber defenses in Estonia,  
5           Latvia, and Lithuania; and

6                   (D) support planning and budgeting ef-  
7           forts of Estonia, Latvia, and Lithuania that are  
8           regionally synchronized.

9           **Subtitle E—Matters Relating to the**  
10           **Indo-Pacific Region**

11           **SEC. 1241. EXTENSION AND MODIFICATION OF INDO-PA-**  
12           **CIFIC MARITIME SECURITY INITIATIVE.**

13           (a) ASSISTANCE AND TRAINING.—Subsection (a)(1)  
14           of section 1263 of the National Defense Authorization Act  
15           for Fiscal Year 2016 (10 U.S.C. 333 note) is amended,  
16           in the matter preceding subparagraph (A), by striking  
17           “for the purpose of” and all that follows through “Indian  
18           Ocean” and inserting “with the primary goal of increasing  
19           multilateral maritime security cooperation and maritime  
20           domain awareness of foreign countries in the area of re-  
21           sponsibility of the United States Indo-Pacific Command”.

22           (b) RECIPIENT COUNTRIES.—Subsection (b) of such  
23           section is amended to read as follows:

24           “(b) RECIPIENT COUNTRIES.—The foreign countries  
25           that may be provided assistance and training under sub-

1 section (a) are the countries located within the area of  
2 responsibility of the United States Indo-Pacific Com-  
3 mand.”.

4 (c) TYPES OF ASSISTANCE AND TRAINING.—Sub-  
5 section (c)(1) of such section is amended by striking  
6 “small-scale military construction” and inserting “small-  
7 scale construction (as defined in section 301 of title 10,  
8 United States Code)”.

9 (d) PRIORITIES FOR ASSISTANCE AND TRAINING.—  
10 Subsection (d) of such section is amended to read as fol-  
11 lows:

12 “(d) PRIORITIES FOR ASSISTANCE AND TRAINING.—  
13 In developing programs for assistance or training to be  
14 provided under subsection (a), the Secretary of Defense  
15 shall prioritize assistance, training, or both, to enhance—

16 “(1) multilateral cooperation and coordination  
17 among recipient countries; or

18 “(2) the capabilities of a recipient country to  
19 more effectively participate in a regional organiza-  
20 tion of which the recipient country is a member.”.

21 (e) INCREMENTAL EXPENSES OF PERSONNEL OF  
22 CERTAIN OTHER COUNTRIES FOR TRAINING.—Subsection  
23 (e) of such section is amended to read as follows:

24 “(e) INCREMENTAL EXPENSES OF PERSONNEL OF  
25 RECIPIENT COUNTRIES FOR TRAINING.—If the Secretary

1 of Defense determines that the payment of incremental  
2 expenses (as defined in section 301 of title 10, United  
3 States Code) in connection with training described in sub-  
4 section (a)(1)(B) will facilitate the participation in such  
5 training of organization personnel of recipient countries  
6 described in subsection (b), the Secretary may use  
7 amounts available under subsection (f) for assistance and  
8 training under subsection (a) for the payment of such in-  
9 cremental expenses.”.

10 (f) AVAILABILITY OF FUNDS.—Subsection (f) of such  
11 section is amended to read as follows:

12 “(f) AVAILABILITY OF FUNDS.—Of the amounts au-  
13 thorized to be appropriated for each of fiscal years 2022  
14 through 2027 for the Department of Defense, Operation  
15 and Maintenance, Defense-wide, \$50,000,000 may be  
16 made available for the provision of assistance and training  
17 under subsection (a).”.

18 (g) LIMITATIONS.—Such section is further amend-  
19 ed—

20 (1) by striking subsection (i);

21 (2) by redesignating subsections (g) and (h) as  
22 subsections (h) and (i), respectively; and

23 (3) by inserting after subsection (f) the fol-  
24 lowing new subsection (g):

25 “(g) LIMITATIONS.—

1           “(1) ASSISTANCE OTHERWISE PROHIBITED BY  
2           LAW.—The Secretary of Defense may not use the  
3           authority in subsection (a) to provide any type of as-  
4           sistance described in subsection (c) that is otherwise  
5           prohibited by any provision of law.

6           “(2) PROHIBITION ON ASSISTANCE TO UNITS  
7           THAT HAVE COMMITTED GROSS VIOLATIONS OF  
8           HUMAN RIGHTS.—The provision of assistance pursu-  
9           ant to a program under subsection (a) shall be sub-  
10          ject to the provisions of section 362 of title 10,  
11          United States Code.

12          “(3) SECURITY COOPERATION.—Assistance,  
13          training, and exercises with recipient countries de-  
14          scribed in subsection (b) shall be planned and  
15          prioritized consistent with applicable guidance relat-  
16          ing to the security cooperation program and activi-  
17          ties of the Department of Defense.

18          “(4) ASSESSMENT, MONITORING, AND EVALUA-  
19          TION.—The provision of assistance and training pur-  
20          suant to a program under subsection (a) shall be  
21          subject to the provisions of section 383 of title 10,  
22          United States Code.”.

23          (h) NOTICE TO CONGRESS ON ASSISTANCE AND  
24          TRAINING.—Subsection (h)(1) of such section, as so re-  
25          designated, is amended—

1           (1) by amending subparagraph (B) to read as  
2 follows:

3                   “(B) A detailed justification of the pro-  
4 gram for the provision of the assistance or  
5 training concerned, its relationship to United  
6 States security interests, and an explanation of  
7 the manner in which such assistance or training  
8 will increase multilateral maritime security co-  
9 operation or maritime domain awareness.”; and

10           (2) in subparagraph (G) by striking “the geo-  
11 graphic combatant command concerned” and insert-  
12 ing “the United States Indo-Pacific Command”.

13           (i) ANNUAL MONITORING REPORT.—Subsection (i)  
14 of such section, as so redesignated, is amended—

15           (1) in paragraph (1)—

16                   (A) in the matter preceding subparagraph  
17 (A), by striking “March 1, 2020” and inserting  
18 “March 1, 2022”;

19                   (B) by redesignating subparagraphs (A)  
20 through (G) as subparagraphs (B) through (H),  
21 respectively;

22                   (C) by inserting before subparagraph (B),  
23 as so redesignated, the following new subpara-  
24 graph (A):



1 security cooperation and maritime domain  
2 awareness.”; and

3 (2) in paragraph (2), by striking “subsection  
4 (g)(2)” and inserting “subsection (h)(2)”.

5 (j) EXPIRATION.—Subsection (j) of such section is  
6 amended by striking “December 31, 2025” and inserting  
7 “December 31, 2027”.

8 **SEC. 1242. EXTENSION AND MODIFICATION OF PACIFIC DE-**  
9 **TERRENCE INITIATIVE.**

10 (a) EXTENSION.—Subsection (c) of section 1251 of  
11 the William M. (Mac) Thornberry National Defense Au-  
12 thorization Act for Fiscal Year 2021 (Public Law 116–  
13 283) is amended—

14 (1) by striking “fiscal year 2021” and inserting  
15 “fiscal year 2022”;

16 (2) by striking “\$2,234,958,000 is” and insert-  
17 ing “such sums as may be necessary are”; and

18 (3) by striking “, as specified in the funding ta-  
19 bles in division D of this Act”.

20 (b) REPORT ON RESOURCING UNITED STATES DE-  
21 FENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION  
22 AND STUDY ON COMPETITIVE STRATEGIES.—Such sec-  
23 tion is further amended—

24 (1) by redesignating subsections (d) through (g)  
25 as subsections (e) through (h), respectively;



1 the United States with respect to the Peo-  
2 ple's Republic of China.

3 “(iii) The reduction of the risk of exe-  
4 cuting contingency plans of the Depart-  
5 ment of Defense.

6 “(B) MATTERS TO BE INCLUDED.—The  
7 report required under subparagraph (A) shall  
8 include the following:

9 “(i) With respect to the achievement  
10 of the objectives described in subparagraph  
11 (A), a description of the intended force  
12 structure and posture of assigned and allo-  
13 cated forces in each of the following:

14 “(I) West of the International  
15 Date Line.

16 “(II) In States outside the con-  
17 tiguous United States east of the  
18 International Date Line.

19 “(III) In the contiguous United  
20 States.

21 “(ii) An assessment of capabilities re-  
22 quirements to achieve such objectives.

23 “(iii) An assessment of logistics re-  
24 quirements, including personnel, equip-

1                   ment, supplies, storage, and maintenance  
2                   needs to achieve such objectives.

3                   “(iv) An identification of required in-  
4                   frastructure and military construction in-  
5                   vestments to achieve such objectives.

6                   “(v) An assessment of security co-  
7                   operation activities or resources required to  
8                   achieve such objectives.

9                   “(vi)(I) A plan to fully resource  
10                  United States force posture and capabili-  
11                  ties, including—

12                   “(aa) a detailed assessment of  
13                   the resources necessary to address the  
14                   elements described in clauses (i)  
15                   through (v), including specific cost es-  
16                   timates for recommended investments  
17                   or projects—

18                   “(AA) to modernize and  
19                   strengthen the presence of the  
20                   United States Armed Forces, in-  
21                   cluding those with advanced ca-  
22                   pabilities;

23                   “(BB) to improve logistics  
24                   and maintenance capabilities and

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1 the pre-positioning of equipment,  
2 munitions, fuel, and materiel;

3 “(CC) to carry out a pro-  
4 gram of exercises, training, ex-  
5 perimentation, and innovation for  
6 the joint force;

7 “(DD) to improve infra-  
8 structure to enhance the respon-  
9 siveness and resiliency of the  
10 United States Armed Forces;

11 “(EE) to build the defense  
12 and security capabilities, capac-  
13 ity, and cooperation of allies and  
14 partners; and

15 “(FF) to improve capabili-  
16 ties available to the United  
17 States Indo-Pacific Command;

18 “(bb) a detailed timeline to  
19 achieve the intended force structure  
20 and posture described in clause (i).

21 “(II) The specific cost estimates re-  
22 quired by subclause (I)(aa) shall, to the  
23 maximum extent practicable, include the  
24 following:

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1                   “(aa) With respect to procure-  
2                   ment accounts—

3                   “(AA) amounts displayed by  
4                   account, budget activity, line  
5                   number, line item, and line item  
6                   title; and

7                   “(BB) a description of the  
8                   requirements for each such  
9                   amount.

10                  “(bb) With respect to research,  
11                  development, test, and evaluation ac-  
12                  counts—

13                  “(AA) amounts displayed by  
14                  account, budget activity, line  
15                  number, program element, and  
16                  program element title; and

17                  “(BB) a description of the  
18                  requirements for each such  
19                  amount.

20                  “(cc) With respect to operation  
21                  and maintenance accounts—

22                  “(AA) amounts displayed by  
23                  account title, budget activity  
24                  title, line number, and subactivity  
25                  group title; and

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1                   “(BB) a description of the  
2                   specific manner in which each  
3                   such amount would be used.

4                   “(dd) With respect to military  
5                   personnel accounts—

6                   “(AA) amounts displayed by  
7                   account, budget activity, budget  
8                   subactivity, and budget sub-  
9                   activity title; and

10                   “(BB) a description of the  
11                   requirements for each such  
12                   amount.

13                   “(ee) With respect to each  
14                   project under military construction ac-  
15                   counts (including unspecified minor  
16                   military construction and amounts for  
17                   planning and design), the country, lo-  
18                   cation, project title, and project  
19                   amount for each fiscal year.

20                   “(ff) With respect to any expend-  
21                   iture or proposed appropriation not  
22                   described in items (aa) through (ee), a  
23                   level of detail equivalent to or greater  
24                   than the level of detail provided in the  
25                   future-years defense program sub-

1                   mitted pursuant to section 221(a) of  
2                   title 10, United States Code.

3                   “(C) FORM.—The report required under  
4                   subparagraph (A) may be submitted in classi-  
5                   fied form, but shall include an unclassified sum-  
6                   mary.

7                   “(D) AVAILABILITY.—Not later than Feb-  
8                   ruary 1 each year, the Commander of the  
9                   United States Indo-Pacific Command shall  
10                  make the report available to the Secretary of  
11                  Defense, the Under Secretary of Defense for  
12                  Policy, the Under Secretary of Defense (Comp-  
13                  troller), the Director of Cost Assessment and  
14                  Program Evaluation, the Chairman of the Joint  
15                  Chiefs of Staff, the Secretaries of the military  
16                  departments, and the chiefs of staff of each  
17                  military service.

18                  “(2) BRIEFINGS REQUIRED.—

19                  “(A) INITIAL BRIEFING.—Not later than  
20                  15 days after the submission of the budget of  
21                  the President (submitted to Congress pursuant  
22                  to section 1105 of title 31, United States Code)  
23                  for fiscal year 2023, the Secretary of Defense  
24                  (acting through the Under Secretary of Defense  
25                  for Policy, the Under Secretary of Defense

1 (Comptroller), and the Director of Cost Assess-  
2 ment and Program Evaluation) and the Chair-  
3 man of the Joint Chiefs of Staff shall provide  
4 to the congressional defense committees a joint  
5 briefing, and any written comments the Sec-  
6 retary of Defense and the Chairman of the  
7 Joint Chiefs of Staff consider necessary, with  
8 respect to their assessments of the report sub-  
9 mitted under paragraph (1), including their as-  
10 sements of the feasibility and advisability of  
11 the plan required by subparagraph (B)(vi) of  
12 that paragraph.

13 “(B) SUBSEQUENT BRIEFING.—Not later  
14 than 30 days after the submission of the budget  
15 of the President (submitted to Congress pursu-  
16 ant to section 1105 of title 31, United States  
17 Code) for each of fiscal years 2024 and 2025,  
18 the Secretary of the Air Force, the Secretary of  
19 the Army, and the Secretary of the Navy shall  
20 provide to the congressional defense committees  
21 a joint briefing, and documents as appropriate,  
22 with respect to their assessments of the report  
23 submitted under paragraph (1), including their  
24 assessments of the feasibility and advisability of

1           the plan required by subparagraph (B)(vi) of  
2           that paragraph.”;

3           (3) by amending subsection (e), as redesign-  
4           nated, to read as follows:

5           “(e) PLAN REQUIRED.—At the same time as the sub-  
6           mission of the budget of the President (submitted to Con-  
7           gress pursuant to section 1105 of title 31, United States  
8           Code) for fiscal year 2023, and annually thereafter  
9           through fiscal year 2025, the Secretary, in consultation  
10          with the Commander of the United States Indo-Pacific  
11          Command, shall submit to the congressional defense com-  
12          mittees a report on future year activities and resources  
13          for the Initiative that includes the following:

14                 “(1) A description of the activities and re-  
15                 sources for the first fiscal year beginning after the  
16                 date of submission of the report and the plan for not  
17                 fewer than the four following fiscal years, orga-  
18                 nized—

19                         “(A) functionally, by the activities de-  
20                         scribed in paragraphs (1) through (5) of sub-  
21                         section (b); and

22                         “(B) geographically by—

23                                 “(i) areas west of the International  
24                                 Date Line;

1 “(ii) States outside the contiguous  
2 United States east of the International  
3 Date Line; and

4 “(iii) States in the contiguous United  
5 States.

6 “(2) A summary of progress made toward  
7 achieving the purposes of the Initiative.

8 “(3) A summary of the activity, resource, capa-  
9 bility, infrastructure, and logistics requirements nec-  
10 essary to achieve measurable progress in reducing  
11 risk to the joint force’s ability to achieve objectives  
12 in the region.

13 “(4) A detailed timeline to achieve the require-  
14 ments identified under paragraph (3).

15 “(5) A detailed explanation of any significant  
16 modifications to such requirements, as compared to  
17 plans previously submitted under this subsection.

18 “(6) Any other matter, as determined by the  
19 Secretary.”; and

20 (4) in subsection (g), as redesignated, by strik-  
21 ing “subsection (e)” and inserting “subsection (f)”.

22 **SEC. 1243. EXTENSION OF AUTHORITY TO TRANSFER**  
23 **FUNDS FOR BIEN HOA DIOXIN CLEANUP.**

24 Section 1253(b) of the William M. (Mac) Thornberry  
25 National Defense Authorization Act for Fiscal Year 2021

1 (Public Law 116–283) is amended by striking “fiscal year  
2 2021” and inserting “fiscal year 2022”.

3 **SEC. 1244. COOPERATIVE PROGRAM WITH VIETNAM TO AC-**  
4 **COUNT FOR VIETNAMESE PERSONNEL MISS-**  
5 **ING IN ACTION.**

6 (a) IN GENERAL.—The Secretary of Defense, in co-  
7 ordination with the heads of other relevant Federal de-  
8 partments and agencies, may carry out a cooperative pro-  
9 gram with the Ministry of Defense of Vietnam and other  
10 entities of the Government of Vietnam to assist in ac-  
11 counting for Vietnamese personnel missing in action.

12 (b) PURPOSE.—The purpose of the cooperative pro-  
13 gram under subsection (a) is to carry out the following  
14 activities:

15 (1) Collection, digitization, and sharing of ar-  
16 chival information.

17 (2) Building the capacity of Vietnam to conduct  
18 archival research, investigations, and excavations.

19 (3) Improving DNA analysis capacity.

20 (4) Increasing veteran-to-veteran exchanges.

21 (5) Other support activities the Secretary of  
22 Defense considers necessary and appropriate.

23 (c) TERMINATION.—The authority provided by sub-  
24 section (a) shall terminate on October 1, 2026.

1 **SEC. 1245. ASSESSMENT OF AND PLAN FOR IMPROVING**  
2 **THE DEFENSIVE ASYMMETRIC CAPABILITIES**  
3 **OF TAIWAN.**

4 (a) ASSESSMENT.—The Secretary of Defense, in co-  
5 ordination with the heads of other relevant Federal de-  
6 partments and agencies, shall conduct an assessment of—

7 (1) the current defensive asymmetric capabili-  
8 ties of Taiwan and the ability of Taiwan to defend  
9 itself from external conventional military threats;

10 (2) the applicability of Department of Defense  
11 authorities for improving the defensive asymmetric  
12 capabilities of Taiwan in accordance with the Tai-  
13 wan Relations Act (Public Law 96–8; 22 U.S.C.  
14 3301 et seq.);

15 (3) the feasibility and advisability of assisting  
16 Taiwan in the domestic production of defensive  
17 asymmetric capabilities, including through the trans-  
18 fer of intellectual property, co-development, or co-  
19 production arrangements;

20 (4) the plans, tactics, techniques, and proce-  
21 dures underpinning the defensive asymmetric capa-  
22 bilities of Taiwan;

23 (5) the interoperability of current and future  
24 defensive asymmetric capabilities of Taiwan with the  
25 military capabilities of the United States and its al-  
26 lies and partners; and

1           (6) any other matter the Secretary of Defense  
2           considers appropriate.

3           (b) PLAN.—The Secretary of Defense shall develop  
4 a plan for assisting Taiwan in improving its defensive  
5 asymmetric capabilities that includes—

6           (1) recommendations for new Department of  
7           Defense authorities, or modifications to existing De-  
8           partment authorities, necessary to improve the de-  
9           fensive asymmetric capabilities of Taiwan in accord-  
10          ance with the Taiwan Relations Act (Public Law  
11          96–8; 22 U.S.C. 3301 et seq.);

12          (2) an identification of opportunities for key  
13          leader and subject matter expert engagement be-  
14          tween Department personnel and military and civil-  
15          ian counterparts in Taiwan; and

16          (3) an identification of challenges and opportu-  
17          nities for leveraging non-Department authorities, re-  
18          sources, and capabilities to improve the defensive  
19          asymmetric capabilities of Taiwan in accordance  
20          with the Taiwan Relations Act (Public Law 96–8;  
21          22 U.S.C. 3301 et seq.).

22          (c) REPORT.—Not later than 180 days after the date  
23 of the enactment of this Act, the Secretary of Defense  
24 shall submit to the appropriate committees of Congress—

1 (1) a report on the results of the assessment re-  
2 quired by subsection (a); and

3 (2) the plan required by subsection (b).

4 (d) DEFINITIONS.—In this section:

5 (1) APPROPRIATE COMMITTEES OF CON-  
6 GRESS.—The term “appropriate committees of Con-  
7 gress” means—

8 (A) the Committee on Armed Services, the  
9 Committee on Foreign Relations, and the Select  
10 Committee on Intelligence of the Senate; and

11 (B) the Committee on Armed Services, the  
12 Committee on Foreign Affairs, and the Perma-  
13 nent Select Committee on Intelligence of the  
14 House of Representatives.

15 (2) DEFENSIVE ASYMMETRIC CAPABILITIES.—  
16 The term “defensive asymmetric capabilities” means  
17 the capabilities necessary to defend Taiwan against  
18 conventional external threats, including coastal de-  
19 fense missiles, naval mines, anti-aircraft capabilities,  
20 cyber defenses, and special operations forces.

21 **SEC. 1246. ANNUAL FEASIBILITY BRIEFING ON COOPERA-**  
22 **TION BETWEEN THE NATIONAL GUARD AND**  
23 **TAIWAN.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that the United States should—

1           (1) continue to support the development of ca-  
2           pable, ready, and modern defense forces necessary  
3           for Taiwan to maintain a sufficient self-defense ca-  
4           pability by increasing exchanges between senior de-  
5           fense officials and general officers of the United  
6           States and Taiwan at the strategic, policy, and func-  
7           tional levels, consistent with the Taiwan Travel Act  
8           (Public Law 115–135; 132 Stat. 341), especially for  
9           the purposes of—

10                   (A) improving the interoperability of the  
11                   military forces of the United States and Tai-  
12                   wan;

13                   (B) improving the reserve forces of Tai-  
14                   wan; and

15                   (C) expanding cooperation in humanitarian  
16                   assistance and disaster relief;

17           (2) expand and strengthen Taiwan’s capability  
18           to conduct security activities, including traditional  
19           activities of the combatant commands, cooperation  
20           with the National Guard, and through multilateral  
21           activities; and

22           (3) using appropriate authorities and consistent  
23           with the Taiwan Relations Act (Public Law 96–8;  
24           22 U.S.C. 3301 et seq.), seek to develop a partner-  
25           ship between the National Guard and Taiwan as a

1 means of maintaining a sufficient self-defense capa-  
2 bility.

3 (b) BRIEFING.—

4 (1) IN GENERAL.—Not later than February 15,  
5 2022, and annually thereafter, the Secretary of De-  
6 fense shall provide to the congressional defense com-  
7 mittees a briefing on the feasibility and advisability  
8 of enhanced cooperation between the National Guard  
9 and Taiwan.

10 (2) ELEMENTS.—Each briefing required by  
11 paragraph (1) shall include the following:

12 (A) A description of the cooperation be-  
13 tween the National Guard and Taiwan during  
14 the preceding calendar year, including mutual  
15 visits, exercises, training, and equipment oppor-  
16 tunities.

17 (B) An evaluation of the feasibility of en-  
18 hancing cooperation between the National  
19 Guard and Taiwan on a range of activities, in-  
20 cluding—

21 (i) disaster and emergency response;

22 (ii) cyber defense and communications  
23 security;

24 (iii) military medical cooperation;

1 (iv) Mandarin-language education and  
2 cultural exchange; and

3 (v) programs for National Guard advi-  
4 sors to assist in training the reserve com-  
5 ponents of the military forces of Taiwan.

6 (C) Recommendations to enhance such co-  
7 operation and improve interoperability, includ-  
8 ing through familiarization visits, cooperative  
9 training and exercises, and co-deployments.

10 (D) Any other matter the Secretary of De-  
11 fense considers appropriate.

12 **SEC. 1247. DEFENSE OF TAIWAN.**

13 (a) DEFINITIONS.—In this section:

14 (1) DENY.—The term “deny” means to use  
15 combined joint operations to delay, degrade, and ul-  
16 timately defeat an attempt by the People’s Republic  
17 of China to execute a fait accompli against Taiwan,  
18 resulting in—

19 (A) the termination of hostilities or at  
20 least the attempted fait accompli; or

21 (B) the neutralization of the ability of the  
22 People’s Republic of China to execute a fait  
23 accompli against Taiwan.

24 (2) FAIT ACCOMPLI.—The term “fait accompli”  
25 refers to the strategy of the People’s Republic of

1 China for invading and seizing control of Taiwan be-  
2 fore the United States Armed Forces can respond  
3 effectively, while simultaneously deterring an effec-  
4 tive combined joint response by the United States  
5 Armed Forces by convincing the United States that  
6 mounting such a response would be prohibitively dif-  
7 ficult or costly.

8 (b) STATEMENT OF POLICY.—It shall be the policy  
9 of the United States to maintain the ability of the United  
10 States Armed Forces to deny a fait accompli against Tai-  
11 wan in order to deter the People’s Republic of China from  
12 using military force to unilaterally change the status quo  
13 with Taiwan.

14 **SEC. 1248. COMPARATIVE ANALYSES AND REPORTS ON EF-**  
15 **FORTS BY THE UNITED STATES AND THE**  
16 **PEOPLE’S REPUBLIC OF CHINA TO ADVANCE**  
17 **CRITICAL MODERNIZATION TECHNOLOGY**  
18 **WITH RESPECT TO MILITARY APPLICATIONS.**

19 (a) COMPARATIVE ANALYSES.—

20 (1) DEVELOPMENT OF PROCEDURES.—

21 (A) IN GENERAL.—Not later than 270  
22 days after the date of the enactment of this  
23 Act, the Under Secretary of Defense for Re-  
24 search and Engineering, in coordination with  
25 the Director of the Office of Net Assessment,

1 shall develop procedures by which comparative  
2 analyses, including the assessments under para-  
3 graph (2), shall be conducted.

4 (B) ELEMENTS.—The procedures devel-  
5 oped under subparagraph (A)—

6 (i) shall include processes—

7 (I) by which senior officials of  
8 the Department of Defense may re-  
9 quest that such comparative analyses  
10 be conducted with respect to a specific  
11 technology, sector, or system of inter-  
12 est;

13 (II) by which teams of technical,  
14 industrial, policy, intelligence, and  
15 operational experts consisting of per-  
16 sonnel of the Department and private  
17 sector organizations may be estab-  
18 lished for the purpose of conducting  
19 such comparative analyses;

20 (III) to ensure adequate funding  
21 to support the conduct of such com-  
22 parative analyses; and

23 (IV) by which classified and un-  
24 classified information, including nec-  
25 essary data, records, and technical in-

1                   formation, may be shared with De-  
2                   partment personnel for the purpose of  
3                   carrying out such comparative anal-  
4                   yses; and

5                   (ii) may include the development of  
6                   quantitative and qualitative metrics for use  
7                   in, and new intelligence collection require-  
8                   ments to support, such comparative anal-  
9                   yses.

10                   (2) COMPARATIVE ANALYSIS ASSESSMENTS.—

11                   (A) IN GENERAL.—The Under Secretary,  
12                   in coordination with the Director of the Office  
13                   of Net Assessment, shall conduct a comparative  
14                   analysis assessment of the efforts of the United  
15                   States Government and the Government of the  
16                   People’s Republic of China to develop and de-  
17                   ploy critical modernization technology with re-  
18                   spect to military applications in each of the fol-  
19                   lowing areas of critical modernization tech-  
20                   nology:

21                   (i) Directed energy systems.

22                   (ii) Hypersonics.

23                   (iii) Emerging biotechnologies.

24                   (iv) Quantum science.

25                   (v) Cyberspace capabilities.

1 (B) ELEMENTS.—Each comparative anal-  
2 ysis assessment under subparagraph (A) shall  
3 include an evaluation of each of the following:

4 (i) With respect to the applicable area  
5 of critical modernization technology de-  
6 scribed in subparagraph (A), research and  
7 development activities carried out in the  
8 United States and the People’s Republic of  
9 China by governmental entities and non-  
10 governmental entities.

11 (ii) The ability of research programs  
12 carried out by the United States Govern-  
13 ment and the Government of the People’s  
14 Republic of China to achieve the goals of—

15 (I) transitioning emerging tech-  
16 nologies into acquisition efforts and  
17 operational use; and

18 (II) incorporating emerging tech-  
19 nologies into military applications.

20 (iii) Operational effectiveness and  
21 suitability of current or planned defense  
22 systems of the United States and the Peo-  
23 ple’s Republic of China, including relevant  
24 operational concepts relating to the appli-

1 cation and operationalization of critical  
2 modernization technologies.

3 (iv) The ability of defense systems of  
4 the United States and the People's Repub-  
5 lic of China to counter relevant threat ca-  
6 pabilities.

7 (b) REPORTS.—

8 (1) INITIAL REPORT.—Not later than March  
9 15, 2022, the Under Secretary shall submit a report  
10 and provide a briefing to the congressional defense  
11 committees on efforts to develop the procedures re-  
12 quired by subsection (a)(1).

13 (2) SUBSEQUENT REPORTS.—

14 (A) DIRECTED ENERGY SYSTEMS AND  
15 HYPERSONICS.—Not later than December 31,  
16 2023, the Under Secretary shall submit to the  
17 congressional defense committees a report on  
18 the results of the comparative analysis assess-  
19 ments conducted under clauses (i) and (ii) of  
20 subsection (a)(2)(A).

21 (B) EMERGING BIOTECHNOLOGIES, QUAN-  
22 TUM SCIENCE, AND CYBERSPACE CAPABILI-  
23 TIES.—Not later than December 31, 2024, the  
24 Under Secretary shall submit to the congres-  
25 sional defense committees a report on the re-

1           sults of the comparative analysis assessments  
2           conducted under clauses (iii), (iv), and (v) of  
3           subsection (a)(2)(A).

4           (C) ELEMENTS.—The reports required by  
5           subparagraphs (A) and (B) shall include the  
6           following for each such comparative analysis as-  
7           sessment:

8                   (i) The results of the evaluation of  
9                   each element described in subsection  
10                  (a)(2)(B).

11                  (ii) A list of countries, other than the  
12                  United States and the People’s Republic of  
13                  China, with significant research and devel-  
14                  opment programs and activities designed  
15                  to advance the applicable area of critical  
16                  modernization technology described in sub-  
17                  section (a)(2)(A), and a discussion of such  
18                  programs and activities for each such  
19                  country.

20                  (iii) With respect to each such area of  
21                  critical modernization technology, an iden-  
22                  tification of any area in which the degree  
23                  of uncertainty due to an insufficient knowl-  
24                  edge base is such that an analysis of  
25                  whether the United States or the People’s

1 Republic of China has an advantage would  
2 be inconclusive.

3 (iv) A description of the limitations,  
4 constraints, and challenges encountered in  
5 carrying out the comparative analysis as-  
6 sessment.

7 (v) A description of any other re-  
8 search and development efforts or elements  
9 the Under Secretary considers appropriate  
10 for purposes of the comparative analysis  
11 assessment.

12 (vi) Recommendations with respect to  
13 additional activities by the Department  
14 necessary to address the findings of the  
15 comparative analysis assessment.

16 (D) FORM.—The reports required by sub-  
17 paragraphs (A) and (B) shall be submitted in  
18 unclassified form but may contain a classified  
19 annex.

20 (c) AGREEMENT WITH A FEDERALLY FUNDED RE-  
21 SEARCH AND DEVELOPMENT CORPORATION AUTHOR-  
22 IZED.—

23 (1) IN GENERAL.—The Under Secretary may  
24 enter into an agreement with a federally funded re-

1 search and development corporation under which  
2 such corporation may—

3 (A) carry out any part of a comparative  
4 analysis assessment required by subsection (a);  
5 or

6 (B) prepare the reports required by sub-  
7 section (b)(2).

8 (2) NOTIFICATION.—If the Under Secretary en-  
9 ters into an agreement under paragraph (1), the  
10 Under Secretary shall submit to the congressional  
11 defense committees a report that—

12 (A) identifies the federally funded research  
13 and development corporation concerned; and

14 (B) describes the scope of work under the  
15 agreement.

16 (d) FUNDING.—Of the amounts authorized to be ap-  
17 propriated by this Act for fiscal year 2022 for the Depart-  
18 ment of Defense, up to \$5,000,000 shall be made available  
19 to the Under Secretary—

20 (1) to carry out any part of a comparative anal-  
21 ysis assessment required by subsection (a); or

22 (2) to prepare the reports required by sub-  
23 section (b)(2).

1 **SEC. 1249. MODIFICATION OF ANNUAL REPORT ON MILI-**  
2 **TARY AND SECURITY DEVELOPMENTS IN-**  
3 **VOLVING THE PEOPLE’S REPUBLIC OF**  
4 **CHINA.**

5 Section 1202 of the National Defense Authorization  
6 Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended  
7 to read as follows:

8 **“SEC. 1202. ANNUAL REPORT ON MILITARY AND SECURITY**  
9 **DEVELOPMENTS INVOLVING THE PEOPLE’S**  
10 **REPUBLIC OF CHINA.**

11 “(a) ANNUAL REPORT.—Not later than January 31  
12 of each year through January 31, 2027, the Secretary of  
13 Defense, in consultation with the heads of other Federal  
14 departments and agencies as appropriate, shall submit to  
15 the specified congressional committees a report on military  
16 and security developments involving the People’s Republic  
17 of China.

18 “(b) MATTERS TO BE INCLUDED.—Each report  
19 under this section shall include analyses and forecasts,  
20 through the next 20 years, of the following:

21 “(1) The goals, factors, and trends shaping  
22 Chinese security strategy and military strategy.

23 “(2) The role of the People’s Liberation Army  
24 in the strategy, governance systems, and foreign and  
25 economic policies of the People’s Republic of China,  
26 including the following:

1           “(A) Developments in the defense policy  
2 and military strategy of the People’s Republic  
3 of China, and the role and mission of the Peo-  
4 ple’s Liberation Army with respect to such de-  
5 velopments.

6           “(B) The role of the People’s Liberation  
7 Army in the Chinese Communist Party, includ-  
8 ing with respect to the structure and leadership  
9 of the Central Military Commission.

10           “(C) The internal security role and affili-  
11 ation of the People’s Liberation Army with the  
12 People’s Armed Police and other law enforce-  
13 ment, intelligence, and paramilitary entities of  
14 the People’s Republic of China.

15           “(3) The role of the People’s Liberation Army  
16 in, and its support of, the overall foreign policy of  
17 the People’s Republic of China, as expressed through  
18 military diplomacy and other external actions, activi-  
19 ties, and operations, including the following:

20           “(A) A description of Chinese military-to-  
21 military relationships with other countries, in-  
22 cluding—

23           “(i) Chinese military attaché presence,  
24 activities, exercises, and agreements with  
25 the militaries of other countries; and

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1                   “(ii) military education programs con-  
2                   ducted—

3                   “(I) in the People’s Republic of  
4                   China for militaries of other countries;  
5                   or

6                   “(II) in other countries for per-  
7                   sonnel of the People’s Liberation  
8                   Army.

9                   “(B) A description of any significant sale  
10                  or transfer of military hardware, expertise, and  
11                  technology to or from the People’s Republic of  
12                  China, including—

13                  “(i) a forecast of possible future sales  
14                  and transfers;

15                  “(ii) a description of the implications  
16                  of such sales and transfers for the security  
17                  of the United States and its partners and  
18                  allies; and

19                  “(iii) a description of any significant  
20                  assistance to and from any selling state  
21                  with military-related research and develop-  
22                  ment programs in the People’s Republic of  
23                  China.

24                  “(C) An assessment of relations between  
25                  the People’s Republic of China and the Russian

1 Federation with respect to security and military  
2 matters, including mutual and competing inter-  
3 ests and developments in such military-to-mili-  
4 tary relationship.

5 “(4) Developments in the military doctrine,  
6 operational concepts, joint command and organiza-  
7 tional structures, and significant military operations  
8 and deployments of the People’s Liberation Army.

9 “(5) Developments and future course of the  
10 services, theater-level commands, and paramilitary  
11 organizations of the People’s Liberation Army, in-  
12 cluding the following:

13 “(A) A description of the specific roles and  
14 missions, organization, capabilities, force struc-  
15 ture, readiness, and modernization efforts of  
16 such services, theater-level commands, and  
17 paramilitary organizations.

18 “(B) A summary of the order of battle of  
19 the People’s Liberation Army, including bal-  
20 listic and cruise missile inventories.

21 “(C) An assessment of developments relat-  
22 ing to the China Coast Guard, including the  
23 manner in which the command structure of the  
24 China Coast Guard affects its status as a law  
25 enforcement entity, its interactions with the

1           Armed Forces of the United States, and the im-  
2           plications for its use as a coercive tool in mari-  
3           time disputes.

4           “(6) Developments and future course of the  
5           theater-level commands of the People’s Liberation  
6           Army, including the roles and missions, structure,  
7           and size, location, and capabilities of the strategic,  
8           land, sea, air, and other forces of such theater-level  
9           commands.

10          “(7) Developments in the People’s Liberation  
11          Army as a global actor, such as overseas military  
12          basing, military logistics capabilities and infrastruc-  
13          ture to project power, and the overseas command  
14          and control structure of the People’s Liberation  
15          Army, including an assessment of Chinese overseas  
16          investments or projects likely, or with significant po-  
17          tential, to be converted into military or intelligence  
18          assets of the People’s Republic of China.

19          “(8) The strategy, policy, development, and  
20          modernization of key military capabilities of the Peo-  
21          ple’s Republic of China across the People’s Libera-  
22          tion Army, including an assessment of the following:

23                  “(A) The cyberwarfare and electronic war-  
24                  fare capabilities of the People’s Republic of  
25                  China (including details on the number of mali-

1           cious cyber incidents originating from the Peo-  
2           ple’s Republic of China against Department of  
3           Defense infrastructure) and associated activities  
4           originating or suspected to have originated from  
5           the People’s Republic of China.

6           “(B) The space and counter-space pro-  
7           grams and capabilities of the People’s Republic  
8           of China.

9           “(C) The nuclear program and capabilities  
10          of the People’s Republic of China, including—

11               “(i) its nuclear strategy and associ-  
12               ated doctrines;

13               “(ii) the size and state of its stockpile  
14               and projections of its future arsenals;

15               “(iii) its civil and military production  
16               capacities; and

17               “(iv) the modernization and force  
18               structure of its strategic forces.

19          “(D) The anti-access and area denial capa-  
20          bilities of the People’s Republic of China.

21          “(E) The command, control, communica-  
22          tions, computers, intelligence, surveillance, and  
23          reconnaissance modernization program and ca-  
24          pabilities of the People’s Republic of China and  
25          the applications for such program and capabili-

1           ties for the People’s Republic of China’s preci-  
2           sion-guided weapons.

3           “(9) Trends and developments in the budget,  
4           resources, strategies, and policies of the People’s  
5           Liberation Army with respect to science and tech-  
6           nology, defense industry reform, and the use of espi-  
7           onage and technology transfers by the People’s Re-  
8           public of China, including the following:

9                   “(A) An assessment of the relationship be-  
10                   tween Chinese overseas investment (including  
11                   the Belt and Road Initiative, the Digital Silk  
12                   Road, and any state-owned or state-controlled  
13                   digital or physical infrastructure projects of the  
14                   People’s Republic of China) and Chinese secu-  
15                   rity and military strategy objectives, includ-  
16                   ing—

17                           “(i) a description of any Chinese in-  
18                           vestment or project, located in any other  
19                           country, that is linked to military or intel-  
20                           ligence cooperation with such country, such  
21                           as cooperation on satellite navigation or  
22                           arms production; and

23                           “(ii) an assessment of the implications  
24                           for United States military or governmental  
25                           interests related to denial of access, com-

1           promised intelligence activities, and net-  
2           work advantages of Chinese investments or  
3           projects in other countries.

4           “(B) Efforts (including by espionage and  
5           technology transfers through investment, indus-  
6           trial espionage, cyber theft, academia, forced  
7           technological transfers, and other means) by  
8           the People’s Republic of China to develop, ac-  
9           quire, or gain access to information, commu-  
10          nication, space, and other advanced technologies  
11          that would enhance defense capabilities or oth-  
12          erwise undermine the capability of the Depart-  
13          ment of Defense to conduct information assur-  
14          ance, including an assessment of the damage  
15          inflicted on the Department of Defense by such  
16          efforts.

17          “(10) The strategy of the People’s Republic of  
18          China regarding Taiwan and the security situation  
19          in the Taiwan Strait, including the following:

20                 “(A) A detailed analysis of the posture of  
21                 the forces of the People’s Liberation Army fac-  
22                 ing Taiwan.

23                 “(B) An assessment of any challenges dur-  
24                 ing the preceding year to the deterrent forces of  
25                 the Republic of China on Taiwan, consistent

1 with the commitments made by the United  
2 States in the Taiwan Relations Act (Public Law  
3 96–8; 22 U.S.C. 3301 et seq.)

4 “(11) The maritime strategy and military and  
5 nonmilitary activities in the South China Sea and  
6 East China Sea of the People’s Republic of China,  
7 including a description of the following:

8 “(A) The role and activities of the People’s  
9 Liberation Army and maritime law enforcement  
10 and paramilitary entities of the People’s Repub-  
11 lic of China.

12 “(B) Any such activities in the South  
13 China Sea or East China Sea affecting United  
14 States military activities or the military activi-  
15 ties of a United States ally or partner.

16 “(12) The current state of United States mili-  
17 tary-to-military contacts with the People’s Libera-  
18 tion Army, including the following:

19 “(A) A comprehensive and coordinated  
20 strategy for such military-to-military contacts  
21 and any necessary update to the strategy.

22 “(B) A summary of all such military-to-  
23 military contacts during the preceding fiscal  
24 year including a summary of topics discussed.

1           “(C) A description of such military-to-mili-  
2           tary contacts scheduled for the 1-year period  
3           following the period covered by the report and  
4           the plan for future contacts.

5           “(D) The Secretary’s assessment of the  
6           benefits the Chinese expect to gain from such  
7           military-to-military contacts.

8           “(E) The Secretary’s assessment of the  
9           benefits the Department of Defense expects to  
10          gain from such military-to-military contacts,  
11          and any concerns regarding such contacts.

12          “(F) The Secretary’s assessment of how  
13          such military-to-military contacts fit into the  
14          larger security relationship between the United  
15          States and the People’s Republic of China.

16          “(G) The Secretary’s certification whether  
17          or not any military-to-military exchange or con-  
18          tact was conducted during the period covered  
19          by the report in violation of section 1201(a).

20          “(13) Any other significant military or security  
21          development involving the People’s Republic of  
22          China the Secretary considers relevant to United  
23          States national security.

1           “(c) FORM.—Each report required by subsection (a)  
2 shall be submitted in unclassified form but may include  
3 a classified annex.

4           “(d) SPECIFIED CONGRESSIONAL COMMITTEES DE-  
5 FINED.—In this section, the term ‘specified congressional  
6 committees’ means—

7                   “(1) the Committee on Armed Services, the  
8           Committee on Foreign Relations, and the Select  
9           Committee on Intelligence of the Senate; and

10                   “(2) the Committee on Armed Services, the  
11           Committee on Foreign Affairs, and the Permanent  
12           Select Committee on Intelligence of the House of  
13           Representatives.”.

14 **SEC. 1250. FEASIBILITY REPORT ON ESTABLISHING MORE**  
15                   **ROBUST MILITARY-TO-MILITARY CRISIS COM-**  
16                   **MUNICATIONS WITH THE PEOPLE’S REPUB-**  
17                   **LIC OF CHINA.**

18           (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, the Secretary of De-  
20 fense, in coordination with the heads of other relevant  
21 Federal departments and agencies, shall submit to the ap-  
22 propriate committees of Congress a report on the feasi-  
23 bility and advisability of establishing more robust military-  
24 to-military communications with the People’s Republic of  
25 China.

1 (b) ELEMENTS.—The report required by subsection  
2 (a) shall include the following:

3 (1) An articulation of—

4 (A) the importance of robust military-to-  
5 military communications with the People’s Re-  
6 public of China; and

7 (B) the utility of such communications to  
8 enable clear transmission of messages, avoid  
9 misunderstandings, reduce the possibility of  
10 miscalculation, and manage possible escalation  
11 in crisis situations.

12 (2) A description of the current process and ca-  
13 pabilities relating to crisis communications with the  
14 People’s Republic of China, including the means, lev-  
15 els of seniority, and timelines for such communica-  
16 tions.

17 (3) An identification of opportunities for im-  
18 proving military-to-military crisis communications  
19 with the People’s Republic of China, including the  
20 preferred means, levels of seniority, and timelines  
21 for such communications.

22 (4) A roadmap, including milestones, for estab-  
23 lishing processes and capabilities associated with the  
24 opportunities identified under paragraph (3).

1           (5) An identification of challenges to estab-  
2           lishing more robust military-to-military crisis com-  
3           munications with the People’s Republic of China.

4           (6) Any other matter the Secretary of Defense  
5           considers appropriate.

6           (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
7           FINED.—In this section, the term “appropriate commit-  
8           tees of Congress” means—

9           (1) the Committee on Armed Services, the  
10          Committee on Appropriations, and the Committee on  
11          Foreign Relations of the Senate; and

12          (2) the Committee on Armed Services, the  
13          Committee on Appropriations, and the Committee on  
14          Foreign Affairs of the House of Representatives.

15   **SEC. 1251. SEMIANNUAL BRIEFINGS ON EFFORTS TO DETER**  
16                   **CHINESE AGGRESSION AND MILITARY COER-**  
17                   **SION.**

18          (a) IN GENERAL.—Not later than January 15, 2022,  
19          and every 180 days thereafter through 2024, the Sec-  
20          retary of Defense shall provide to the congressional de-  
21          fense committees a briefing on Department of Defense ef-  
22          forts to deter Chinese aggression and military coercion.

23          (b) ELEMENTS.—Each briefing required by sub-  
24          section (a) shall include a description of—

1           (1) Department efforts to strengthen deterrence  
2           of Chinese aggression and military coercion, includ-  
3           ing below the level of armed conflict and outside the  
4           Indo-Pacific region;

5           (2) the manner in which resources provided  
6           through the Pacific Deterrence Initiative are being  
7           applied in support of such efforts;

8           (3) the extent to which such efforts are coordi-  
9           nated with, and complement, efforts of other Federal  
10          departments and agencies to deter Chinese aggres-  
11          sion and military coercion;

12          (4) the manner in which the Department seeks  
13          to leverage military-to-military relationships, com-  
14          bined training and exercises, information and intel-  
15          ligence sharing, and security assistance to allies and  
16          partners in support of such efforts; and

17          (5) any other matter the Secretary considers  
18          relevant.

19 **SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES**  
20 **AND PARTNERSHIPS IN THE INDO-PACIFIC**  
21 **REGION.**

22          (a) FINDINGS.—Congress makes the following find-  
23          ings:

1           (1) The Interim National Security Strategic  
2           Guidance issued by the President in March 2021  
3           states the following:

4                   (A) “For decades, our allies have stood by  
5                   our side against common threats and adver-  
6                   saries, and worked hand-in-hand to advance our  
7                   shared interests and values. They are a tremen-  
8                   dous source of strength and a unique American  
9                   advantage, helping to shoulder the responsibil-  
10                  ities required to keep our nation safe and our  
11                  people prosperous.”.

12                  (B) “Our democratic alliances enable us to  
13                  present a common front, produce a unified vi-  
14                  sion, and pool our strength to promote high  
15                  standards, establish effective international  
16                  rules, and hold countries like China to ac-  
17                  count.”.

18                  (C) “We will reaffirm, invest in, and mod-  
19                  ernize. . .our alliances with Australia, Japan,  
20                  and the Republic of Korea—which, along with  
21                  our other global alliances and partnerships, are  
22                  America’s greatest strategic asset.”.

23           (2) On January 19, 2021, Secretary of Defense  
24           Lloyd J. Austin III stated to the Committee on  
25           Armed Services of the Senate, “[o]ur alliances and

1 partnerships globally—including the defense tools at  
2 our disposal to engage them, and more fundamen-  
3 tally the mutual security commitments and interests  
4 we pursue to maintain them—are an asymmetric  
5 strategic advantage that our competitors do not pos-  
6 sess. The strength of this network of defense rela-  
7 tions cannot be taken for granted.”.

8 (3) On November 13, 2019, General Mark  
9 Milley stated to reporters, “[w]e are committed to a  
10 free and open Indo-Pacific region, and will maintain  
11 very, very close security ties with our partner na-  
12 tions in the area.”.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the Secretary of Defense should recommit to  
15 and strengthen United States defense alliances and part-  
16 nerships in the Indo-Pacific region so as to further the  
17 comparative advantage of the United States in strategic  
18 competition with the People’s Republic of China, including  
19 by—

20 (1) enhancing cooperation with Japan, con-  
21 sistent with the Treaty of Mutual Cooperation and  
22 Security Between the United States of America and  
23 Japan, including by developing advanced military ca-  
24 pabilities, fostering interoperability across all do-

1 mains, and improving sharing of information and in-  
2 telligence;

3 (2) reinforcing the United States alliance with  
4 the Republic of Korea, consistent with the Mutual  
5 Defense Treaty Between the United States and the  
6 Republic of Korea, in support of the shared objective  
7 of a peaceful and stable Korean Peninsula;

8 (3) fostering bilateral and multilateral coopera-  
9 tion with Australia, consistent with the Australia,  
10 New Zealand, United States Security Treaty, to ad-  
11 vance shared security objectives and build the capa-  
12 bilities of emerging partners;

13 (4) advancing United States alliances with the  
14 Philippines and Thailand and United States partner-  
15 ships with other partners in the Association of  
16 Southeast Asian Nations to enhance maritime do-  
17 main awareness, promote sovereignty and territorial  
18 integrity, and collaborate on vetting Chinese invest-  
19 ments in strategic technology sectors and critical in-  
20 frastructure;

21 (5) broadening the engagement of the United  
22 States with India, including through the Quadrilat-  
23 eral Security Dialogue—

24 (A) to advance the shared objective of a  
25 free and open Indo-Pacific region through bilat-

1           eral and multilateral engagements and partici-  
2           pation in military exercises, expanded defense  
3           trade, and collaboration on humanitarian aid  
4           and disaster response; and

5                   (B) to enable greater cooperation on mari-  
6           time security and the threat of global  
7           pandemics, including COVID-19;

8           (6) strengthening the United States partnership  
9           with Taiwan, consistent with the Three  
10          Communiqués, the Taiwan Relations Act (Public  
11          Law 96-8; 22 U.S.C. 3301 et seq.), and the Six As-  
12          surances, with the goal of improving Taiwan's asym-  
13          metric defensive capabilities and promoting peaceful  
14          cross-strait relations; and

15               (7) reinforcing the status of the Republic of  
16          Singapore as a Major Security Cooperation Partner  
17          of the United States and continuing to strengthen  
18          defense and security cooperation between the mili-  
19          tary forces of the Republic of Singapore and the  
20          Armed Forces of the United States, including  
21          through participation in combined exercises and  
22          training, including the use of the Foreign Military  
23          Sales Training Center at Ebbing Air National Guard  
24          Base in Fort Smith, Arkansas.

## **Subtitle F—Reports**

1  
2 **SEC. 1261. REPORT ON SECURITY COOPERATION AUTHORI-**  
3 **TIES AND ASSOCIATED RESOURCING IN SUP-**  
4 **PORT OF THE SECURITY FORCE ASSISTANCE**  
5 **BRIGADES.**

6 Not later than 90 days after the date of the enact-  
7 ment of this Act, the Secretary of Defense shall submit  
8 to the Committees on Armed Services of the Senate and  
9 House of Representatives a report that—

10 (1) assesses the adequacy of existing Depart-  
11 ment of Defense security cooperation authorities and  
12 associated resourcing in support of the ability of the  
13 Security Force Assistance Brigades of the Army to  
14 effectively fulfill the security cooperation require-  
15 ments of the combatant commands; and

16 (2) identifies any gap in such authorities or as-  
17 sociated resourcing.

18 **SEC. 1262. INDEPENDENT ASSESSMENT WITH RESPECT TO**  
19 **ARCTIC REGION AND ESTABLISHMENT OF**  
20 **ARCTIC SECURITY INITIATIVE.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that—

23 (1) the security, stability, and prosperity of the  
24 Arctic region are vital to the national interests of  
25 the United States;

1           (2) the United States should posture a military  
2           capability in the region that is able to project power,  
3           deter acts of aggression, and respond, if necessary,  
4           to threats within and arising from the Arctic region;

5           (3) the defense of the United States and its al-  
6           lies from the People’s Republic of China, the Rus-  
7           sian Federation, the Democratic People’s Republic  
8           of Korea, and any other potential aggressor remains  
9           a top priority;

10          (4) persistent efforts by the Department of De-  
11          fense to realign United States forces in the Arctic  
12          region, and commit additional assets to and increase  
13          investments in the Arctic region, are necessary to  
14          maintain a robust United States commitment to the  
15          Arctic region; and

16          (5) the United States commitment to freedom  
17          of navigation and ensuring free access to sea lanes  
18          and overflights for the Navy and the Air Force re-  
19          mains a core security interest.

20          (b) INDEPENDENT ASSESSMENT.—

21           (1) IN GENERAL.—Not later than February 15,  
22           2022, the Commander of the United States North-  
23           ern Command, in consultation and coordination with  
24           the Commander of the United States Indo-Pacific  
25           Command, the Commander of the United States Eu-

1       ropean Command, the military services, and the de-  
2       fense agencies, shall conduct an independent assess-  
3       ment with respect to the activities and resources re-  
4       quired, for fiscal years 2023 through 2027, to  
5       achieve the following objectives:

6               (A) The implementation of the National  
7       Defense Strategy and military service-specific  
8       strategies with respect to the Arctic region.

9               (B) The maintenance or restoration of the  
10      comparative military advantage of the United  
11      States in response to great power competitors  
12      in the Arctic region.

13              (C) The reduction of the risk of executing  
14      operation and contingency plans of the Depart-  
15      ment of Defense.

16              (D) To maximize execution of Department  
17      operation and contingency plans, in the event  
18      deterrence fails.

19              (2) ELEMENTS.—The assessment required by  
20      paragraph (1) shall include the following:

21              (A) An analysis of, and recommended  
22      changes to achieve, the required force structure  
23      and posture of assigned and allocated forces  
24      within the Arctic region for fiscal year 2027

1 necessary to achieve the objectives described in  
2 paragraph (1), which shall be informed by—

3 (i) a review of United States military  
4 requirements based on operation and con-  
5 tingency plans, capabilities of potential ad-  
6 versaries, assessed gaps or shortfalls of the  
7 Armed Forces within the Arctic region,  
8 and scenarios that consider—

9 (I) potential contingencies that  
10 commence in the Arctic region and  
11 contingencies that commence in other  
12 regions but affect the Arctic region;

13 (II) use of near-, mid-, and far-  
14 time horizons to encompass the range  
15 of circumstances required to test new  
16 concepts and doctrine;

17 (III) supporting analyses that  
18 focus on the number of regionally pos-  
19 tured military units and the quality of  
20 capability of such units;

21 (ii) a review of current United States  
22 military force posture and deployment  
23 plans within the Arctic region, especially of  
24 Arctic-based forces that provide support to,  
25 or receive support from, the United States

1 Northern Command, the United States  
2 Indo-Pacific Command, or the United  
3 States European Command;

4 (iii) an analysis of potential future re-  
5 alignments of United States forces in the  
6 region, including options for strengthening  
7 United States presence, access, readiness,  
8 training, exercises, logistics, and pre-posi-  
9 tioning; and

10 (iv) any other matter the Commander  
11 of the United States Northern Command  
12 considers appropriate.

13 (B) A discussion of any factor that may in-  
14 fluence the United States posture, supported by  
15 annual wargames and other forms of research  
16 and analysis.

17 (C) An assessment of capabilities require-  
18 ments to achieve such objectives.

19 (D) An assessment of logistics require-  
20 ments, including personnel, equipment, supplies,  
21 storage, and maintenance needs to achieve such  
22 objectives.

23 (E) An assessment and identification of re-  
24 quired infrastructure and military construction  
25 investments to achieve such objectives.

1 (3) REPORT.—

2 (A) IN GENERAL.—Not later than Feb-  
3 ruary 15, 2022, the Commander of the United  
4 States Northern Command shall submit to the  
5 Secretary of Defense a report on the assess-  
6 ment required by paragraph (1).

7 (B) SUBMITTAL TO CONGRESS.—

8 (i) IN GENERAL.—Not later than 30  
9 days after the date on which the Secretary  
10 receives the report under subparagraph  
11 (A), the Secretary shall submit to the con-  
12 gressional defense committees—

13 (I) a copy of the report, in its en-  
14 tirety; and

15 (II) any additional analysis or in-  
16 formation, as the Secretary considers  
17 appropriate.

18 (C) FORM.—The report required by sub-  
19 paragraph (A), and any additional analysis or  
20 information provided under subparagraph  
21 (B)(i)(II), may be submitted in classified form,  
22 but shall include an unclassified summary.

23 (c) ARCTIC SECURITY INITIATIVE.—

24 (1) PLAN.—

1 (A) IN GENERAL.—Not later than 30 days  
2 after the date on which the Secretary receives  
3 the report under subsection (b)(3)(A), the Sec-  
4 retary shall submit to the congressional defense  
5 committees a plan to carry out a program of  
6 activities to enhance security in the Arctic re-  
7 gion.

8 (B) OBJECTIVES.—The plan required by  
9 subparagraph (A) shall be—

10 (i) consistent with the objectives de-  
11 scribed in paragraph (1) of subsection (b);  
12 and

13 (ii) informed by the assessment re-  
14 quired by that paragraph.

15 (C) ACTIVITIES.—The plan shall include  
16 the following prioritized activities to improve  
17 the design and posture of the joint force in the  
18 Arctic region:

19 (i) Modernize and strengthen the  
20 presence of the Armed Forces, including  
21 those with advanced capabilities.

22 (ii) Improve logistics and maintenance  
23 capabilities and the pre-positioning of  
24 equipment, munitions, fuel, and materiel.

1 (iii) Carry out a program of exercises,  
2 wargames, education, training, experimen-  
3 tation, and innovation for the joint force.

4 (iv) Improve infrastructure to enhance  
5 the responsiveness and resiliency of the  
6 Armed Forces.

7 (2) ESTABLISHMENT.—

8 (A) IN GENERAL.—Not later than fiscal  
9 year 2023, and contingent on the submittal of  
10 the plan required by paragraph (1), the Sec-  
11 retary shall establish a program of activities to  
12 enhance security in the Arctic region, to be  
13 known as the “Arctic Security Initiative” (in  
14 this paragraph referred to as the “Initiative”).

15 (B) FIVE-YEAR PLAN FOR THE INITIA-  
16 TIVE.—

17 (i) IN GENERAL.—The Secretary, in  
18 consultation with the Commander of the  
19 United States Northern Command, shall  
20 submit to the congressional defense com-  
21 mittees a future years plan for the activi-  
22 ties and resources of the Initiative that in-  
23 cludes the following:

24 (I) A description of the activities  
25 and resources for the first fiscal year

1 beginning after the date on which the  
2 Initiative is established, and the plan  
3 for not fewer than the four subse-  
4 quent fiscal years, organized by the  
5 activities described in paragraph  
6 (1)(C).

7 (II) A summary of progress made  
8 toward achieving the objectives de-  
9 scribed in subsection (b)(1).

10 (III) A summary of the activity,  
11 resource, capability, infrastructure,  
12 and logistics requirements necessary  
13 to achieve measurable progress in re-  
14 ducing risk to the ability of the joint  
15 force to achieve objectives in the Arc-  
16 tic region, including, as appropriate,  
17 investments in—

18 (aa) active and passive de-  
19 fenses against—

20 (AA) manned aircraft,  
21 surface vessels, and sub-  
22 marines;

23 (BB) unmanned naval  
24 systems;

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1 (CC) unmanned aerial  
2 systems; and

3 (DD) theater cruise,  
4 ballistic, and hypersonic mis-  
5 siles;

6 (bb) advanced long-range  
7 precision strike systems;

8 (cc) command, control, com-  
9 munications, computers, intel-  
10 ligence, surveillance, and recon-  
11 naissance systems;

12 (dd) training and test range  
13 capacity, capability, and coordi-  
14 nation;

15 (ee) dispersed resilient and  
16 adaptive basing to support dis-  
17 tributed operations, including ex-  
18 peditionary airfields and ports,  
19 space launch facilities, and com-  
20 mand posts;

21 (ff) advanced critical muni-  
22 tions;

23 (gg) pre-positioned forward  
24 stocks of fuel, munitions, equip-  
25 ment, and materiel;

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1 (hh) distributed logistics and  
2 maintenance capabilities;

3 (ii) strategic mobility assets,  
4 including icebreakers;

5 (jj) improved interoper-  
6 ability, logistics, transnational  
7 supply lines and infrastructure,  
8 and information sharing with al-  
9 lies and partners, including sci-  
10 entific missions; and

11 (kk) information operations  
12 capabilities.

13 (IV) A detailed timeline for  
14 achieving the requirements identified  
15 under subclause (III).

16 (V) A detailed explanation of any  
17 significant modification to such re-  
18 quirements, as compared to—

19 (aa) the assessment required  
20 by subsection (b)(1) for the first  
21 fiscal year; and

22 (bb) the plans previously  
23 submitted for each subsequent  
24 fiscal year.

1 (VI) Any other matter the Sec-  
2 retary considers necessary.

3 (ii) FORM.—The plan required by  
4 clause (i) shall be submitted in unclassified  
5 form but may include a classified annex.

6 (iii) INCLUSION IN BUDGET MATE-  
7 RIALS.—The Secretary shall include the  
8 plan required by clause (i) in the budget  
9 materials submitted by the Secretary in  
10 support of the budget of the President for  
11 fiscal years 2023 through 2027.

12 **SEC. 1263. ANNUAL REPORT AND BRIEFING ON GLOBAL**  
13 **FORCE MANAGEMENT ALLOCATION PLAN.**

14 (a) IN GENERAL.—Not later than October 31, 2022,  
15 and annually thereafter through 2024, the Secretary of  
16 Defense shall provide to the Committees on Armed Serv-  
17 ices of the Senate and House of Representatives a classi-  
18 fied report and a classified briefing on the Global Force  
19 Management Allocation Plan and its implementation.

20 (b) REPORT.—Each report required by subsection (a)  
21 shall include a summary describing the Global Force Man-  
22 agement Allocation Plan being implemented as of October  
23 1 of the year in which the report is provided.

24 (c) BRIEFING.—Each briefing required by subsection  
25 (a) shall include the following:

1 (1) A summary of the major modifications to  
2 global force allocation made during the preceding  
3 fiscal year that deviated from the Global Force Man-  
4 agement Allocation Plan for that fiscal year as a re-  
5 sult of a shift in strategic priorities, requests for  
6 forces, or other contingencies, and an explanation  
7 for such modifications.

8 (2) A description of the major differences be-  
9 tween the Global Force Management Allocation Plan  
10 for the current fiscal year and the Global Force  
11 Management Allocation Plan for the preceding fiscal  
12 year.

13 (3) A description of any difference between the  
14 actual global allocation of forces, as of October 1 of  
15 the year in which the briefing is provided, and the  
16 forces stipulated in the Global Force Management  
17 Allocation Plan being implemented on that date.

## 18 **Subtitle G—Other Matters**

### 19 **SEC. 1271. MODIFICATION OF UNITED STATES-ISRAEL OP-** 20 **ERATIONS-TECHNOLOGY COOPERATION** 21 **WITHIN THE UNITED STATES-ISRAEL DE-** 22 **FENSE ACQUISITION ADVISORY GROUP.**

23 (a) IN GENERAL.—Section 1299M of the William M.  
24 (Mac) Thornberry National Defense Authorization Act for  
25 Fiscal Year 2021 (Public Law 116–283) is amended—

1           (1) by striking the section heading and insert-  
2           ing “**ESTABLISHMENT OF UNITED STATES-**  
3           **ISRAEL OPERATIONS-TECHNOLOGY WORKING**  
4           **GROUP**”;

5           (2) by amending subsection (a) to read as fol-  
6           lows:

7           “(a) REQUIREMENT.—

8           “(1) IN GENERAL.—The Secretary of Defense,  
9           in consultation with the Secretary of State, shall  
10          take actions within the United States-Israel Defense  
11          Acquisition Advisory Group—

12                 “(A) to provide a standing forum for the  
13                 United States and Israel to systematically share  
14                 intelligence-informed military capability require-  
15                 ments;

16                 “(B) to identify military capability require-  
17                 ments common to the Department of Defense  
18                 and the Ministry of Defense of Israel;

19                 “(C) to assist defense suppliers in the  
20                 United States and Israel by assessing rec-  
21                 ommendations from such defense suppliers with  
22                 respect to joint science, technology, research,  
23                 development, test, evaluation, and production  
24                 efforts;

1           “(D) to develop, as feasible and advisable,  
2           combined United States-Israel plans to re-  
3           search, develop, procure, and field weapon sys-  
4           tems and military capabilities as quickly and  
5           economically as possible to meet common capa-  
6           bility requirements of the Department and the  
7           Ministry of Defense of Israel; and

8           “(E) to seek ways to broaden Israeli co-  
9           operation with—

10                   “(i) the signatories of the Abraham  
11                   Accords;

12                   “(ii) Egypt; and

13                   “(iii) Jordan.

14           “(2) RULE OF CONSTRUCTION.—Nothing in  
15           this subsection shall be construed as requiring the  
16           termination of any existing United States defense  
17           activity, group, program, or partnership with  
18           Israel.”;

19           (3) by amending subsection (c) to read as fol-  
20           lows:

21           “(c) ESTABLISHMENT OF UNITED STATES-ISRAEL  
22           OPERATIONS-TECHNOLOGY WORKING GROUP WITHIN  
23           THE UNITED STATES-ISRAEL DEFENSE ACQUISITION AD-  
24           VISORY GROUP.—Not later than one year after the date  
25           of the enactment of the National Defense Authorization

1 Act for Fiscal Year 2022, the Secretary of Defense, in  
2 consultation with the appropriate heads of other Federal  
3 agencies and with the concurrence of the Minister of De-  
4 fense of Israel, shall establish, under the United States  
5 vice chairman of the United States-Israel Defense Acquisi-  
6 tion Advisory Group, a United States-Israel Operations-  
7 Technology Working Group to address operations and  
8 technology matters described in subsection (a)(1).”; and

9 (4) in subsection (d)(2), by striking “United  
10 States-Israel Defense Acquisition Advisory Group”  
11 each place it appears and inserting “United States-  
12 Israel Operations-Technology Working Group”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
14 The table of contents for the William M. (Mac) Thorn-  
15 berry National Defense Authorization Act for Fiscal Year  
16 2021 (Public Law 116–283) is amended by striking the  
17 item relating to section 1299M and inserting the following  
18 new item:

“Sec. 1299M. Establishment of United States-Israel Operations-Technology  
Working Group.”.

19 **SEC. 1272. PROHIBITION ON SUPPORT FOR OFFENSIVE**  
20 **MILITARY OPERATIONS AGAINST THE**  
21 **HOUTHIS IN YEMEN.**

22 (a) IN GENERAL.—None of the funds authorized to  
23 be appropriated by this Act shall be made available to pro-  
24 vide Department of Defense support for the Saudi-led coa-

1 lition's offensive operations against the Houthis in Yemen,  
2 including for coalition strikes.

3 (b) WAIVER.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 may waive the prohibition under subsection (a) if the  
6 Secretary—

7 (A) determines that such a waiver is in the  
8 national security interests of the United States;

9 (B) issues the waiver in writing; and

10 (C) not more than 5 days after issuing the  
11 waiver, submits to the Committees on Armed  
12 Services of the Senate and House of Represent-  
13 atives a notification that includes the text of  
14 the waiver and a justification for the waiver.

15 (c) REPORT.—Not later than March 31, 2022, the  
16 Secretary of Defense, in consultation with the Director of  
17 National Intelligence and the Secretary of State, shall sub-  
18 mit to the Committees on Armed Services of the Senate  
19 and House of Representatives a report on the obstructions  
20 that the Department of Defense has encountered in the  
21 delivery of humanitarian aid in Yemen, including the role  
22 of the Kingdom of Saudi Arabia and Ansar Allah in such  
23 obstruction.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
25 tion shall be construed to limit—

1           (1) United States counterterrorism cooperation  
2           with Saudi Arabia or the United Arab Emirates  
3           against al-Qaeda, the Islamic State of Iraq and  
4           Syria, or associated forces; or

5           (2) United States operations to support efforts  
6           to defend against ballistic missile, cruise missile, un-  
7           manned aerial vehicle, or explosive boat threats to  
8           international maritime traffic or civilian population  
9           centers in coalition countries, including locations in  
10          which citizens or nationals of the United States re-  
11          side.

12 **SEC. 1273. REPEAL OF AUTHORIZATION OF NON-CONVEN-**  
13 **TIONAL ASSISTED RECOVERY CAPABILITIES;**  
14 **MODIFICATION OF AUTHORITY FOR EXPEND-**  
15 **ITURE OF FUNDS FOR CLANDESTINE ACTIVI-**  
16 **TIES THAT SUPPORT OPERATIONAL PREPA-**  
17 **RATION OF THE ENVIRONMENT.**

18          (a) REPEAL.—Section 943 of the Duncan Hunter  
19 National Defense Authorization Act for Fiscal Year 2009  
20 (Public Law 110–417; 122 Stat. 4578), as most recently  
21 amended by section 1299D of the William M. (Mac)  
22 Thornberry National Defense Authorization Act for Fiscal  
23 Year 2021 (Public Law 116–283), is repealed on Decem-  
24 ber 31, 2022.

25          (b) PLAN REQUIRED.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           the date of the enactment of this Act, the Secretary  
3           of Defense shall submit to the congressional defense  
4           committees a plan for transitioning the funding for  
5           activities currently conducted under the authority  
6           provided by such section 943 to the authority pro-  
7           vided by section 127f of title 10, United States  
8           Code.

9           (2) ELEMENTS.—The plan required by para-  
10          graph (1) shall include the following:

11           (A) An identification of the non-conven-  
12          tional assisted recovery activities to be  
13          transitioned to the authority provided by such  
14          section 127f.

15           (B) An identification of any legislative  
16          changes to such section 127f necessary to ac-  
17          commodate the transition of activities currently  
18          funded under such section 943.

19           (C) Any other matter the Secretary con-  
20          siders relevant.

21          (c) MODIFICATION OF AUTHORITY FOR EXPENDI-  
22          TURE OF FUNDS FOR CLANDESTINE ACTIVITIES THAT  
23          SUPPORT OPERATIONAL PREPARATION OF THE ENVIRON-  
24          MENT.—Section 127f of title 10, United States Code, is

1 amended by adding at the end the following new sub-  
2 section:

3 “(f) NON-CONVENTIONAL ASSISTED RECOVERY CA-  
4 PABILITIES.— Funding used to establish, develop, and  
5 maintain non-conventional assisted recovery capabilities  
6 under this section shall only be obligated and expended  
7 with the concurrence of the relevant Chief of Mission or  
8 Chiefs of Mission.”.

9 **SEC. 1274. EXTENSION AND MODIFICATION OF AUTHORITY**  
10 **FOR CERTAIN PAYMENTS TO REDRESS IN-**  
11 **JURY AND LOSS.**

12 (a) EXTENSION.—Subsection (a) of section 1213 of  
13 the National Defense Authorization Act for Fiscal Year  
14 2020 (Public Law 116–92; 133 Stat. 1629; 10 U.S.C.  
15 2731 note) is amended by striking “December 31, 2022”  
16 and inserting “December 31, 2023”.

17 (b) CONDITIONS ON PAYMENT.—Subsection (b)(1) of  
18 such section is amended to read as follows:

19 “(1) the prospective foreign civilian recipient is  
20 not otherwise ineligible for payment under any other  
21 provision of law;”.

22 (c) PROCEDURES FOR SUBMITTAL OF CLAIMS.—  
23 Such section is further amended—

24 (1) by redesignating subsections (d) through (h)  
25 as subsections (e) through (i), respectively; and

1           (2) by inserting after subsection (c) the fol-  
2           lowing new subsection (d):

3           “(d) PROCEDURES FOR SUBMITTAL OF CLAIMS.—

4           “(1) IN GENERAL.—Not later than 180 days  
5           after the date of the enactment of the National De-  
6           fense Authorization Act for Fiscal Year 2022, the  
7           Secretary of Defense shall establish procedures to  
8           receive, evaluate, and respond to allegations of civil-  
9           ian harm resulting from military operations involv-  
10          ing the United States Armed Forces, a coalition that  
11          includes the United States, or a military organiza-  
12          tion supporting the United States, including by the  
13          issuance of—

14                 “(A) a formal acknowledgment of such  
15                 harm;

16                 “(B) a nonmonetary expression of condo-  
17                 lence; or

18                 “(C) an ex gratia payment.

19           “(2) CONSULTATION.—In establishing the pro-  
20           cedures under paragraph (1), the Secretary of De-  
21           fense shall, as appropriate, consult with the Sec-  
22           retary of State and nongovernmental organizations  
23           that focus on addressing civilian harm in conflict.

24           “(3) POLICY UPDATES.—Not later than one  
25           year after the date of the enactment of the National

1 Defense Authorization Act for Fiscal Year 2022, the  
2 Secretary of Defense shall ensure that the proce-  
3 dures established under paragraph (1) are formal-  
4 ized through updates to the policy referred to in sec-  
5 tion 936 of the John S. McCain National Defense  
6 Authorization Act for Fiscal Year 2019 (10 U.S.C.  
7 134 note).”.

8 (d) QUARTERLY REPORT.—Subsection (h) of such  
9 section, as redesignated, is amended by adding at the end  
10 the following new paragraph:

11 “(3) The status of Department of Defense ef-  
12 forts—

13 “(A) to establish the claims procedures re-  
14 quired under subsection (d)(1); and

15 “(B) to implement this section.”.

16 **SEC. 1275. SECRETARY OF DEFENSE STRATEGIC COMPETI-**  
17 **TION INITIATIVE.**

18 (a) IN GENERAL.—The Secretary of Defense may  
19 provide funds for one or more Department of Defense ac-  
20 tivities or programs described in subsection (c) that ad-  
21 vance United States national security objectives for stra-  
22 tegic competition with near-peer rivals.

23 (b) PURPOSE.—The purpose of the authority under  
24 subsection (a) is to support Department efforts—

1           (1) to compete asymmetrically at the strategic  
2 level within and across domains with near-peer ri-  
3 vals, including through the fulfillment of emergent  
4 and unanticipated requirements of the combatant  
5 commands;

6           (2) to counter coercion by near-peer rivals  
7 against United States allies and partners in competi-  
8 tion short of armed conflict, including by countering  
9 disinformation, malign foreign influence, and corrup-  
10 tion by near-peer rivals to gain leverage or sow divi-  
11 sion; and

12           (3) to integrate with, support, and enable other  
13 Federal departments and agencies to advance United  
14 States influence and interests.

15       (c) AUTHORIZED ACTIVITIES AND PROGRAMS.—Ac-  
16 tivities and programs for which funds may be provided  
17 under subsection (a) are the following:

18           (1) The provision of funds to pay for personnel  
19 expenses of foreign defense or security personnel for  
20 bilateral or regional security cooperation programs  
21 and joint exercises, in accordance with section 321  
22 of title 10, United States Code.

23           (2) Humanitarian and civic assistance, in con-  
24 sultation with the Secretary of State to the extent  
25 practicable, including—

1 (A) urgent and unanticipated humani-  
2 tarian relief and reconstruction assistance; and

3 (B) assistance for capacity building for dis-  
4 aster response and risk reduction.

5 (3) Defense support for stabilization and  
6 counter-extremism activities of other Federal depart-  
7 ments and agencies, including activities under—

8 (A) section 1210A of the National Defense  
9 Authorization Act for Fiscal Year 2020 (Public  
10 Law 116–92; 133 Stat. 1626); and

11 (B) section 385 of title 10, United States  
12 Code.

13 (4) Activities to build the institutional capacity  
14 of foreign national security forces, including efforts  
15 to counter corruption, in accordance with section  
16 332 of title 10, United States Code.

17 (5) Activities to build the capabilities of the  
18 joint force and the security forces of United States  
19 allies and partners to conduct irregular warfare for  
20 strategic competition.

21 (6) Activities to expose and counter foreign ma-  
22 lign influence, coercion, and subversion.

23 (d) FUNDING.—Amounts made available for activities  
24 carried out pursuant to subsection (a) in a fiscal year may  
25 be derived only from amounts authorized to be appro-

1 priated for such fiscal year for the Department of Defense  
2 for operation and maintenance, Defense-wide.

3 (e) RELATIONSHIP TO OTHER FUNDING.—Any  
4 amount provided by the Secretary of Defense during any  
5 fiscal year out of the Secretary of Defense Strategic Com-  
6 petition Initiative for an activity or program described in  
7 subsection (c) shall be in addition to amounts otherwise  
8 available for that activity or program for that fiscal year.

9 (f) USE OF FUNDS.—

10 (1) LIMITATIONS.—Of funds made available  
11 under this section for any fiscal year—

12 (A) not more than \$20,000,000 in each  
13 fiscal year is authorized to be obligated and ex-  
14 pended under this section; and

15 (B) not more than \$3,000,000 may be  
16 used to pay for personnel expenses under sub-  
17 section (c)(1).

18 (2) PROHIBITION.—Funds may not be provided  
19 under this section for any activity that has been de-  
20 nied authorization by Congress.

21 (g) ANNUAL REPORT.—Not less frequently than an-  
22 nually, the Secretary of Defense shall submit to the con-  
23 gressional defense committees a report on the use of the  
24 authority under subsection (a).

1 (h) TERMINATION.—The authority under subsection  
2 (a) shall terminate on September 30, 2024.

3 **SEC. 1276. STRATEGIC COMPETITION INITIATIVE FOR**  
4 **UNITED STATES SOUTHERN COMMAND AND**  
5 **UNITED STATES AFRICA COMMAND.**

6 (a) INITIATIVE.—The Secretary of Defense may de-  
7 velop and carry out, through the Department of Defense  
8 authorities specified in subsection (d), an initiative to sup-  
9 port programs and activities for long-term strategic com-  
10 petition with near-peer rivals in the areas of responsibility  
11 of the United States Southern Command and the United  
12 States Africa Command.

13 (b) PURPOSE.—The purpose of the initiative under  
14 subsection (a) is to support Department efforts—

15 (1) to compete strategically with, and counter  
16 the influence of, near-peer rivals in such areas of re-  
17 sponsibility;

18 (2) to counter coercion by near-peer rivals  
19 against United States allies and partners in competi-  
20 tion short of armed conflict, including by addressing  
21 sources of insecurity and other vulnerabilities that  
22 near-peer rivals exploit to gain leverage or sow divi-  
23 sion;

24 (3) to strengthen the resilience of foreign secu-  
25 rity forces and ministries in such areas of responsi-

1 bility against corruption and malign influence from  
2 near-peer rivals, including by building institutional  
3 capabilities for accountability and adherence to the  
4 rule of law; and

5 (4) to support and enable United States Gov-  
6 ernment interagency integration and activities that  
7 advance United States national security objectives  
8 for strategic competition with near-peer rivals, in-  
9 cluding by supporting civilian efforts to address  
10 vulnerabilities arising from the COVID–19 pandemic  
11 in such areas of responsibility.

12 (c) PLAN.—

13 (1) IN GENERAL.—The Secretary, in consulta-  
14 tion with the Commander of the United States  
15 Southern Command and the Commander of the  
16 United States Africa Command, shall develop and  
17 submit to the congressional defense committees a  
18 plan for the initiative under subsection (a).

19 (2) REPORT.—Not later than 120 days after  
20 the date of the enactment of this Act, the Secretary  
21 shall submit to the congressional defense committees  
22 the plan developed under paragraph (1).

23 (d) AUTHORITIES.—The authorities specified in this  
24 subsection are the following:

1           (1) The authority of the Defense Security Co-  
2           operation Agency under section 332 of title 10,  
3           United States Code, to carry out—

4                   (A) institutional capacity-building activi-  
5                   ties; and

6                   (B) the Ministry of Defense Advisors pro-  
7                   gram.

8           (2) Security cooperation authorities under chap-  
9           ter 16 of title 10, United States Code.

10           (3) Legal institution capacity-building authority  
11           under section 1210 of the National Defense Author-  
12           ization Act for Fiscal Year 2020 (Public Law 116–  
13           92; 133 Stat. 1625; 10 U.S.C. 332 note).

14           (4) Overseas humanitarian, disaster, and civic  
15           aid authorities under sections 404 and 2561 of title  
16           10, United States Code.

17           (5) Joint task force authority to support law  
18           enforcement agencies conducting counterterrorism,  
19           counter illicit trafficking, and counter transnational  
20           organized crime activities under section 285 of title  
21           10, United States Code, as added by this Act.

22           (6) Stabilization activities authority under sec-  
23           tion 1210A of the National Defense Authorization  
24           Act for Fiscal Year 2020 (Public Law 116–92; 133  
25           Stat. 1626).

1           (7) The authority of the Defense Environmental  
2 International Cooperation program.

3           (8) Any other authority the Secretary considers  
4 appropriate.

5           (e) NOTIFICATION TO CONGRESS.—Not later than 15  
6 days before commencing the initiative under subsection  
7 (a), the Secretary shall submit to the congressional de-  
8 fense committees a notification containing each of the fol-  
9 lowing:

10           (1) An identification of one or more countries  
11 in which a program under the initiative will be con-  
12 ducted.

13           (2) A description of the strategic objectives of  
14 each such program.

15           (3) The budget and timetable for implementing  
16 and completing each such program.

17           (4) A description of the arrangements, if any,  
18 for a host country to sustain such a program or any  
19 capability developed by such a program.

20           (f) REPORT.—Beginning in the fiscal year in which  
21 the Secretary commences the initiative under subsection  
22 (a), and annually thereafter through the fiscal year in  
23 which the initiative terminates under subsection (h), the  
24 Secretary shall submit to the congressional defense com-  
25 mittees a report on the implementation of the initiative.

1           (g) FUNDING.—Amounts for programs and activities  
2 carried out under subsection (a) in a fiscal year may be  
3 derived from amounts authorized to be appropriated for  
4 such fiscal year for the Department of Defense for oper-  
5 ations and maintenance.

6           (h) TERMINATION.—The authority for the initiative  
7 under subsection (a) shall terminate on December 31,  
8 2024.

9 **SEC. 1277. MODIFICATION OF NOTIFICATION REQUIRE-**  
10 **MENTS FOR SENSITIVE MILITARY OPER-**  
11 **ATIONS.**

12           Section 130f(d)(1) of title 10, United States Code,  
13 is amended—

14           (1) in subparagraph (A), by striking “; or” and  
15 inserting a semicolon;

16           (2) in subparagraph (B), by striking the period  
17 at the end and inserting “; or”; and

18           (3) by adding at the end the following new sub-  
19 paragraph:

20                   “(C) an operation conducted by the armed  
21 forces to free an individual from the control of  
22 hostile foreign forces.”.

1 **SEC. 1278. SPECIAL OPERATIONS FORCES JOINT OPER-**  
2 **ATING CONCEPT FOR COMPETITION AND**  
3 **CONFLICT.**

4 (a) IN GENERAL.—Not later than 180 days after the  
5 date of the enactment of this Act, the Assistant Secretary  
6 of Defense for Special Operations and Low-Intensity Con-  
7 flict and the Commander of the United States Special Op-  
8 erations Command shall jointly submit to the congres-  
9 sional defense committees a Special Operations Forces  
10 joint operating concept for competition and conflict.

11 (b) ELEMENTS.—The joint operating concept re-  
12 quired by subsection (a) shall include the following:

13 (1) A detailed description of the manner in  
14 which Special Operations Forces will be expected to  
15 operate in the future across the spectrum of oper-  
16 ations, including operations below the threshold of  
17 traditional armed conflict, crisis, and armed conflict.

18 (2) An explanation of the roles and responsibil-  
19 ities of the National Mission Force and the Theater  
20 Special Operations Forces, including how such forces  
21 will be integrated with each other and with general  
22 purpose forces.

23 (3) An articulation of the required capabilities  
24 of the special operations forces.

25 (4) An explanation of the manner in which the  
26 joint operating concept relates to and fits within the

1 joint warfighting concept produced by the Joint  
2 Chiefs of Staff.

3 (5) An explanation of the manner in which the  
4 joint operating concept relates to and integrates into  
5 the operating concepts of the Armed Forces.

6 (6) Any other matter the Assistant Secretary  
7 and the Commander consider relevant.

8 **SEC. 1279. PLAN FOR PROVISION OF INFORMATION SUP-**  
9 **PORT TO COMMANDERS OF THE COMBATANT**  
10 **COMMANDS.**

11 (a) PLAN REQUIRED.—

12 (1) IN GENERAL.—Not later than 90 days after  
13 the date of the enactment of this Act, the Under  
14 Secretary of Defense for Intelligence and Security,  
15 in coordination with the Director of National Intel-  
16 ligence, shall develop a plan for more effectively ful-  
17 filling the intelligence and information requirements  
18 of the combatant commands with respect to efforts  
19 by the combatant commands to expose and counter  
20 foreign malign influence, coercion, and subversion  
21 activities undertaken by, or at the direction, on be-  
22 half, or with substantial support of the governments  
23 of, covered foreign countries.

24 (2) ELEMENTS.—The plan required by para-  
25 graph (1) shall include the following:

1 (A) A review of current policies and proce-  
2 dures relating to the provision, sharing, and de-  
3 classification of intelligence gathered by the De-  
4 fense Intelligence Enterprise to support such ef-  
5 forts.

6 (B) A plan for improving the quality and  
7 timeliness of intelligence and information pro-  
8 vided to the commanders of the combatant com-  
9 mands to aid in such efforts, including mecha-  
10 nisms to enable the disclosure of foreign malign  
11 influence, coercion, and subversion activities—

12 (i) in appropriate classified venues, in  
13 collaboration with relevant allies and part-  
14 ners; or

15 (ii) as unclassified information for  
16 public release.

17 (C) A plan to better leverage open-source  
18 and commercially available information and  
19 independent analysis to support such efforts.

20 (D) An identification of any additional re-  
21 sources or legislative authority necessary to bet-  
22 ter meet such intelligence and information re-  
23 quirements.

1                   (E) An assignment of responsibilities and  
2                   timelines for the implementation of the plans  
3                   described in subparagraphs (B) and (C).

4                   (F) Any other matter the Under Secretary  
5                   of Defense for Intelligence and Security con-  
6                   siders relevant.

7           (b) REPORT.—Not later than 90 days after the date  
8           of the enactment of this Act, the Under Secretary of De-  
9           fense for Intelligence and Security, in coordination with  
10          the Director of National Intelligence, shall submit to the  
11          appropriate committees of Congress the plan developed  
12          under subsection (a).

13          (c) COMPTROLLER GENERAL ASSESSMENT.—Not  
14          later than 45 days after the date on which the plan is  
15          submitted under subsection (b), the Comptroller General  
16          of the United States shall submit to the appropriate com-  
17          mittees of Congress an assessment of the sufficiency of  
18          the plan for meeting such intelligence and information re-  
19          quirements.

20          (d) DEFINITIONS.—In this section:

21                  (1) APPROPRIATE COMMITTEES OF CON-  
22                  GRESS.—The term “appropriate committees of Con-  
23                  gress” means—

1 (A) the Committee on Armed Services, the  
2 Committee on Appropriations, and the Select  
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the  
5 Committee on Appropriations, and the Perma-  
6 nent Select Committee on Intelligence of the  
7 House of Representatives.

8 (2) COVERED FOREIGN COUNTRY.—The term  
9 “covered foreign country” means any of the fol-  
10 lowing:

11 (A) The People’s Republic of China.

12 (B) The Russian Federation.

13 (C) The Islamic Republic of Iran.

14 (D) The Democratic People’s Republic of  
15 Korea.

16 (E) Any other foreign country the Under  
17 Secretary of Defense for Intelligence and Secu-  
18 rity and the Director of National Intelligence  
19 consider appropriate.

20 **SEC. 1280. INDEPENDENT REVIEW OF AND REPORT ON THE**  
21 **UNIFIED COMMAND PLAN.**

22 (a) REVIEW REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Defense  
24 shall provide for an independent review of the cur-  
25 rent Unified Command Plan.

1           (2) ELEMENTS.—The review required by para-  
2 graph (1) shall include the following:

3           (A) An assessment of the most recent Uni-  
4 fied Command Plan with respect to—

5                   (i) current and anticipated threats;

6                   (ii) deployment and mobilization of  
7 the Armed Forces; and

8                   (iii) the most current versions of the  
9 National Defense Strategy and Joint  
10 Warfighting Concept.

11           (B) An evaluation of the missions, respon-  
12 sibilities, and associated force structure of each  
13 geographic and functional combatant command.

14           (C) An assessment of the feasibility of al-  
15 ternative Unified Command Plan structures.

16           (D) Recommendations, if any, for alter-  
17 native Unified Command Plan structures.

18           (E) Recommendations, if any, for modi-  
19 fications to sections 161 through 169 of title  
20 10, United States Code.

21           (F) Any other matter the Secretary con-  
22 siders appropriate.

23           (3) CONDUCT OF REVIEW BY INDEPENDENT  
24 ENTITY.—

25           (A) IN GENERAL.—The Secretary shall—

1 (i) select an entity described in sub-  
2 paragraph (B) to conduct the review re-  
3 quired by paragraph (1); and

4 (ii) ensure that the review is con-  
5 ducted independently of the Department of  
6 Defense.

7 (B) ENTITY DESCRIBED.—An entity de-  
8 scribed in this subparagraph is—

9 (i) a federally funded research and de-  
10 velopment center; or

11 (ii) an independent nongovernmental  
12 institute that—

13 (I) is described in section  
14 501(c)(3) of the Internal Revenue  
15 Code of 1986;

16 (II) is exempt from taxation  
17 under section 501(c) of that Code;  
18 and

19 (III) has recognized credentials  
20 and expertise in national security and  
21 military affairs.

22 (b) REPORT TO CONGRESS.—

23 (1) IN GENERAL.—Not later than October 1,  
24 2022, the Secretary shall submit to the Committees  
25 on Armed Services of the Senate and House of Rep-

1       representatives the results of the review conducted  
2       under subsection (a).

3               (2) FORM.—The report required by paragraph  
4       (1) shall be submitted in unclassified form but may  
5       include a classified annex.

6       **SEC. 1281. ESTABLISHMENT OF MISSION-ORIENTED PILOT**  
7                       **PROGRAMS TO CLOSE SIGNIFICANT CAPA-**  
8                       **BILITIES GAPS.**

9       (a) IN GENERAL.—The Secretary of Defense shall es-  
10      tablish, within the Strategic Capabilities Office of the Of-  
11      fice of the Secretary of Defense, not fewer than two mis-  
12      sion-oriented integration pilot programs with the objective  
13      of closing significant capabilities gaps by synchronizing  
14      and integrating missions across services and field agen-  
15      cies.

16      (b) ELEMENTS.—The pilot programs established  
17      under subsection (a) shall—

18               (1) be aligned to specific outstanding oper-  
19      ational challenges of high importance to the oper-  
20      ational plans of the United States Indo-Pacific Com-  
21      mand and the United States European Command;

22               (2) be designed to leverage industry cost shar-  
23      ing by using sources such as private equity and ven-  
24      ture capital funding to develop the underlying tech-  
25      nology and overall capability for delivery to the joint

1 force, as a product or as a service, not later than  
2 five years after the date on which the program com-  
3 mences;

4 (3) not later than three years after such date—

5 (A) demonstrate proof of efficacy through  
6 operational concept experimentation and proto-  
7 type development; and

8 (B) deliver an operational capability not  
9 later than five years after the pilot program  
10 commences;

11 (4) provide an operationally relevant solution  
12 for—

13 (A)(i) maintaining resilient aircraft oper-  
14 ations in and around Guam in the face of evol-  
15 ving regional threats, including large salvo su-  
16 personic and hypersonic missile threats; or

17 (ii) a similar operational challenge of stra-  
18 tegic importance and relevance to the respon-  
19 sibilities and plans of the United States Indo-  
20 Pacific Command or the United States Euro-  
21 pean Command; and

22 (B)(i) providing a resilient logistics and re-  
23 supply capability in the face of evolving regional  
24 threats, including operations within an anti-ac-  
25 cess-area denial environment; or

1           (ii) a similar operational challenge of stra-  
2           tegic importance and relevance to the respon-  
3           sibilities and plans of the United States Indo-  
4           Pacific Command; and  
5           (5) be developed to incorporate—

6           (A) existing and planned Department of  
7           Defense systems and capabilities to achieve mis-  
8           sion objectives; and

9           (B) to the extent practicable, technologies  
10          that have dual-use commercial market potential.

11       (c) ROLE OF STRATEGIC CAPABILITIES OFFICE.—

12           (1) IN GENERAL.—With respect to the pilot  
13           programs established under subsection (a), the Stra-  
14           tegic Capabilities Office of the Office of the Sec-  
15           retary of Defense shall—

16           (A) assign pilot program managers—

17           (i) to coordinate and collaborate with  
18           investors, performers, combatant com-  
19           mands, and military departments to define  
20           mission requirements and solutions; and

21           (ii) to coordinate and monitor pilot  
22           program implementation;

23           (B) provide technical assistance for pilot  
24           program activities, including developing and im-  
25           plementing metrics, which shall be used—

1 (i) to assess the current status of the  
2 operational challenge concerned; and

3 (ii) to characterize the resilience of  
4 operational approaches to known threats  
5 and single points of failure;

6 (C) provide operational use case expertise  
7 to participants in the pilot programs; and

8 (D) serve as the liaison between the Armed  
9 Forces, the combatant commanders, and the  
10 participants in the pilot programs.

11 (2) REPORTS TO CONGRESS.—Not later than  
12 180 days after the date of the enactment of this Act,  
13 and every 180 days thereafter, the head of the Stra-  
14 tegic Capabilities Office of the Office of the Sec-  
15 retary of Defense shall submit to the congressional  
16 defense committees a report on the pilot programs.

17 (d) ADDITIONAL AUTHORITIES.—The Secretary shall  
18 assess authorities required by the pilot program managers  
19 for the effective and efficient fulfillment of their respon-  
20 sibilities, including the delegation of hiring personnel and  
21 contracting authorities.

22 (e) DATA.—The Secretary shall establish mechanisms  
23 to collect and analyze data on the implementation of the  
24 pilot programs for the purposes of—

1           (1) developing and sharing best practices for  
2           achieving goals established for the pilot programs;  
3           and

4           (2) providing information to the Secretary and  
5           the congressional defense committees on—

6                   (A) the implementation of the pilot pro-  
7                   grams; and

8                   (B) related policy issues.

9           (f) RECOMMENDATIONS.—Not later than two years  
10          after the date of the enactment of this Act, the Secretary  
11          shall submit to the congressional defense committees a  
12          recommendation with respect to continuing or expanding  
13          the pilot programs.

14          (g) TRANSITION OF PILOT PROGRAM RESPONSIBIL-  
15          ITIES.—Beginning in fiscal year 2025, the Secretary may  
16          transition the responsibility for the pilot programs to an-  
17          other organization.

18          **SEC. 1282. LIMITATION ON AVAILABILITY OF CERTAIN**  
19                                   **FUNDING FOR OPERATION AND MAINTENANCE.**  
20                                   **NANCE.**

21          Of the amounts authorized to be appropriated by this  
22          Act for fiscal year 2022 for operation and maintenance,  
23          Defense-wide, and available for the Office of the Secretary  
24          of Defense, not more than 75 percent may be obligated  
25          or expended until the date that is 15 days after the date

1 on which the Secretary submits to the congressional de-  
2 fense committees the following:

3 (1) The report on the comprehensive policy of  
4 the Department of Defense on collective self-defense  
5 required by section 1754(c) of the National Defense  
6 Authorization Act for Fiscal Year 2020 (Public Law  
7 116–92; 10 U.S.C. 130f note).

8 (2) The first quarterly report identifying and  
9 summarizing all execute orders approved by the Sec-  
10 retary of Defense or the commander of a combatant  
11 command in effect for the Department of Defense as  
12 required by section 1744(c) of the National Defense  
13 Authorization Act for Fiscal Year 2020 (Public Law  
14 116–92; 10 U.S.C. 113 note).

15 (3) The report on the policy of the Department  
16 of Defense relating to civilian casualties resulting  
17 from United States military operations required by  
18 section 936(d) of the John S. McCain National De-  
19 fense Authorization Act for Fiscal Year 2019 (Pub-  
20 lic Law 115–232; 10 U.S.C. 134 note).

1           **TITLE XIII—COOPERATIVE**  
2           **THREAT REDUCTION**

3   **SEC. 1301. FUNDING ALLOCATIONS; SPECIFICATION OF CO-**  
4           **OPERATIVE THREAT REDUCTION FUNDS.**

5           (a) FUNDING ALLOCATION.—Of the \$239,849,000  
6 authorized to be appropriated to the Department of De-  
7 fense for fiscal year 2022 in section 301 and made avail-  
8 able by the funding table in division D for the Department  
9 of Defense Cooperative Threat Reduction Program estab-  
10 lished under section 1321 of the Department of Defense  
11 Cooperative Threat Reduction Act (50 U.S.C. 3711), the  
12 following amounts may be obligated for the purposes spec-  
13 ified:

14           (1) For strategic offensive arms elimination,  
15           \$2,997,000.

16           (2) For chemical weapons destruction,  
17           \$13,250,000.

18           (3) For global nuclear security, \$17,767,000.

19           (4) For cooperative biological engagement,  
20           \$124,022,000.

21           (5) For proliferation prevention, \$58,754,000.

22           (6) For activities designated as Other Assess-  
23           ments/Administrative Costs, \$23,059,000.

24           (b) SPECIFICATION OF COOPERATIVE THREAT RE-  
25           DUCTION FUNDS.—Funds appropriated pursuant to the

1 authorization of appropriations in section 301 and made  
2 available by the funding table in division D for the Depart-  
3 ment of Defense Cooperative Threat Reduction Program  
4 shall be available for obligation for fiscal years 2022,  
5 2023, and 2024.

6 **TITLE XIV—OTHER**  
7 **AUTHORIZATIONS**  
8 **Subtitle A—Military Programs**

9 **SEC. 1401. WORKING CAPITAL FUNDS.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2022 for the use of the Armed Forces and other  
12 activities and agencies of the Department of Defense for  
13 providing capital for working capital and revolving funds,  
14 as specified in the funding table in section 4501.

15 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
16 **TION, DEFENSE.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
18 are hereby authorized to be appropriated for the Depart-  
19 ment of Defense for fiscal year 2022 for expenses, not oth-  
20 erwise provided for, for Chemical Agents and Munitions  
21 Destruction, Defense, as specified in the funding table in  
22 section 4501.

23 (b) **USE.**—Amounts authorized to be appropriated  
24 under subsection (a) are authorized for—



1 of eligible beneficiaries, as specified in the funding table  
2 in section 4501.

3 **Subtitle B—Armed Forces**  
4 **Retirement Home**

5 **SEC. 1411. AUTHORIZATION OF APPROPRIATIONS FOR**  
6 **ARMED FORCES RETIREMENT HOME.**

7 There is hereby authorized to be appropriated for fis-  
8 cal year 2022 from the Armed Forces Retirement Home  
9 Trust Fund the sum of \$75,300,000 for the operation of  
10 the Armed Forces Retirement Home.

11 **Subtitle C—Other Matters**

12 **SEC. 1421. AUTHORIZATION TO LOAN MATERIALS IN NA-**  
13 **TIONAL DEFENSE STOCKPILE.**

14 Section 6 of the Strategic and Critical Materials  
15 Stock Piling Act (50 U.S.C. 98e) is amended by adding  
16 at the end the following new subsection:

17 “(f) The President may loan stockpile materials to  
18 the Department of Energy or the military departments if  
19 the President—

20 “(1) has a reasonable assurance that stockpile  
21 materials of a similar or superior quantity and qual-  
22 ity to the materials loaned will be returned to the  
23 stockpile or paid for;

24 “(2) notifies the congressional defense commit-  
25 tees (as defined in section 101(a) of title 10, United

1 States Code), in writing, not less than 30 days be-  
2 fore making any such loan; and

3 “(3) includes in the written notification under  
4 paragraph (2) sufficient support for the assurance  
5 described in paragraph (1).”.

6 **SEC. 1422. REPEAL OF TERMINATION OF BIENNIAL REPORT**  
7 **ON NATIONAL DEFENSE STOCKPILE RE-**  
8 **QUIREMENTS.**

9 Section 1061(i) of the National Defense Authoriza-  
10 tion Act for Fiscal Year 2017 (Public Law 114–328; 10  
11 U.S.C. 111 note) is amended by striking paragraph (30).

12 **SEC. 1423. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**  
13 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**  
14 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
15 **ONSTRATION FUND FOR CAPTAIN JAMES A.**  
16 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

17 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the  
18 funds authorized to be appropriated by section 1405 and  
19 available for the Defense Health Program for operation  
20 and maintenance, \$137,000,000 may be transferred by the  
21 Secretary of Defense to the Joint Department of Defense–  
22 Department of Veterans Affairs Medical Facility Dem-  
23 onstration Fund established by subsection (a)(1) of sec-  
24 tion 1704 of the National Defense Authorization Act for  
25 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

1 (b) TREATMENT OF TRANSFERRED FUNDS.—For  
2 purposes of subsection (a)(2) of such section 1704, any  
3 funds transferred under subsection (a) shall be treated as  
4 amounts authorized and appropriated specifically for the  
5 purpose of such a transfer.

6 (c) USE OF TRANSFERRED FUNDS.—For purposes of  
7 subsection (b) of such section 1704, facility operations for  
8 which funds transferred under subsection (a) may be used  
9 are operations of the Captain James A. Lovell Federal  
10 Health Care Center, consisting of the North Chicago Vet-  
11 erans Affairs Medical Center, the Navy Ambulatory Care  
12 Center, and supporting facilities designated as a combined  
13 Federal medical facility under an operational agreement  
14 covered by section 706 of the Duncan Hunter National  
15 Defense Authorization Act for Fiscal Year 2009 (Public  
16 Law 110–417; 122 Stat. 4500).

17 **TITLE XV—SPACE ACTIVITIES,**  
18 **STRATEGIC PROGRAMS, AND**  
19 **INTELLIGENCE MATTERS**  
20 **Subtitle A—Space Activities**

21 **SEC. 1501. DELEGATION OF AUTHORITIES TO SPACE DE-**  
22 **VELOPMENT AGENCY.**

23 (a) PERSONNEL MANAGEMENT AUTHORITY.—Sec-  
24 tion 1599h(b)(1) of title 10, United States Code, is  
25 amended—

1           (1) by redesignating subparagraph (H) as sub-  
2           paragraph (I); and

3           (2) by striking the second subparagraph (G), as  
4           added by section 1602(b)(3) of the William M.  
5           (Mac) Thornberry National Defense Authorization  
6           Act for Fiscal Year 2021 (Public Law 116–283),  
7           and inserting the following new subparagraph (H):

8                   “(H) in the case of the Space Development  
9                   Agency, appoint individuals to a total of not  
10                  more than 50 positions in the Agency, of which  
11                  not more than 10 such positions may be posi-  
12                  tions of administration and management of the  
13                  Agency; and”.

14           (b) ADDITIONAL AUTHORITIES.—

15           (1) IN GENERAL.—Chapter 908 of title 10,  
16           United States Code, is amended—

17                   (A) by redesignating the second section  
18                   designated as section 9084, as added by section  
19                   1601(a) of the William M. (Mac) Thornberry  
20                   National Defense Authorization Act for Fiscal  
21                   Year 2021 (Public Law 116–283), as section  
22                   9086 and moving such section so as to appear  
23                   after section 9085; and

24                   (B) in section 9086, as so redesignated, by  
25                   adding at the end the following new subsection:

1 “(d) DELEGATION OF AUTHORITIES.—

2 “(1) IN GENERAL.—To the extent practicable,  
3 the Secretary of the Air Force, acting through the  
4 Service Acquisition Executive for Space, shall ensure  
5 the delegation to the Agency of—

6 “(A) head of contracting authority; and

7 “(B) milestone decision authority for the  
8 middle tier of acquisition programs.

9 “(2) RESCISSION.—

10 “(A) IN GENERAL.—The Service Acquisi-  
11 tion Executive for Space may rescind the dele-  
12 gation of authority under paragraph (1) for  
13 cause or on a case-by-case basis.

14 “(B) NOTIFICATION.—Not later than 30  
15 days after the date of a rescission under sub-  
16 paragraph (A), the Secretary of the Air Force  
17 shall notify the congressional defense commit-  
18 tees of such rescission.”.

19 (2) TECHNICAL AND CONFORMING AMEND-  
20 MENTS.—The table of sections for chapter 908 of  
21 title 10, United States Code, is amended—

22 (A) by striking the item relating to section  
23 9084, as added by section 1601(b) of the Wil-  
24 liam M. (Mac) Thornberry National Defense

1 Authorization Act for Fiscal Year 2021 (Public  
2 Law 116–283); and

3 (B) by adding at the end the following new  
4 item:

“9086. Space Development Agency.”.

5 **SEC. 1502. MODIFICATION TO SPACE DEVELOPMENT AGEN-**  
6 **CY.**

7 Section 9086 of title 10, United States Code, as re-  
8 designated and amended by section 1501(b)(1), is further  
9 amended by adding at the end the following new sub-  
10 sections:

11 “(e) ACQUISITIONS.—The Joint Capabilities Integra-  
12 tion and Development System process shall not apply to  
13 acquisitions by the Agency.

14 “(f) COMBATANT COMMANDER AND WARFIGHTER  
15 COUNCIL.—Not less frequently than twice annually, the  
16 Director shall convene a Combatant Commander and  
17 Warfighter Council, which shall—

18 “(1) establish and validate capability plans for  
19 the Agency; and

20 “(2) recommend priorities for the Agency, as  
21 the commanders of the combatant commands con-  
22 sider appropriate.”.

1 **SEC. 1503. DISCLOSURE OF NATIONAL SECURITY SPACE**  
2 **LAUNCH PROGRAM CONTRACT PRICING**  
3 **TERMS.**

4 (a) IN GENERAL.—Chapter 135 of title 10, United  
5 States Code, is amended by inserting after section 2276  
6 the following new section 2277:

7 **“§ 2277. Disclosure of National Security Space**  
8 **Launch program contract pricing terms**

9 “(a) IN GENERAL.—With respect to any contract  
10 awarded by the Secretary of the Air Force for the launch  
11 of a national security payload under the National Security  
12 Space Launch program, not later than 30 days after en-  
13 tering into such a contract, the Secretary shall submit to  
14 the congressional defense committees a description of the  
15 pricing terms of the contract.

16 “(b) COMPETITIVELY SENSITIVE TRADE SECRET  
17 DATA.—The congressional defense committees shall—

18 “(1) treat a description of pricing terms sub-  
19 mitted under subsection (a) as competitively sen-  
20 sitive trade secret data; and

21 “(2) use the description solely for committee  
22 purposes, subject to appropriate restrictions to  
23 maintain the confidentiality of the description.

24 “(c) RULE OF CONSTRUCTION.—For purposes of sec-  
25 tion 1905 of title 18, United States Code, a disclosure of

1 contract pricing terms under subsection (a) shall be con-  
2 strued as a disclosure authorized by law.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 135 of title 10, United  
5 States Code, is amended by inserting after the item relat-  
6 ing to section 2276, the following new item:

“2277. Disclosure of National Security Space Launch program contract pricing  
terms.”.

7 **SEC. 1504. EXTENSION AND MODIFICATION OF COUNCIL ON**  
8 **OVERSIGHT OF THE DEPARTMENT OF DE-**  
9 **FENSE POSITIONING, NAVIGATION, AND TIM-**  
10 **ING ENTERPRISE.**

11 Section 2279b of title 10, United States Code, is  
12 amended—

13 (1) in subsection (d)(2)—

14 (A) by redesignating subparagraphs (D)  
15 and (E) as subparagraphs (E) and (F), respec-  
16 tively; and

17 (B) by inserting after subparagraph (C)  
18 the following new subparagraph (D):

19 “(D) Alternative methods to perform posi-  
20 tion navigation and timing.”; and

21 (2) in subsection (h), by striking “National De-  
22 fense Authorization Act for Fiscal Year 2016” and  
23 inserting “National Defense Authorization Act for  
24 Fiscal Year 2022”.

1 **SEC. 1505. SENIOR PROCUREMENT EXECUTIVE AUTHORITY.**

2 (a) OFFICE OF THE SECRETARY OF THE AIR  
3 FORCE.—Section 9014(c) of title 10, United States Code,  
4 is amended—

5 (1) in paragraph (2), by striking “The Sec-  
6 retary of the Air Force shall” and inserting “Subject  
7 to paragraph (6), the Secretary of the Air Force  
8 shall”; and

9 (2) by adding at the end the following new  
10 paragraph:

11 “(6) Notwithstanding section 1702 of title 41,  
12 the Secretary of the Air Force may assign to the As-  
13 sistant Secretary of the Air Force for Space Acquisi-  
14 tion and Integration duties and authorities of the  
15 Senior Procurement Executive that relate to space  
16 systems and programs.”.

17 (b) DUTIES OF ASSISTANT SECRETARY OF THE AIR  
18 FORCE FOR SPACE ACQUISITION AND INTEGRATION.—  
19 Section 9016(b)(6)(B)(vi) of title 10, United States Code,  
20 is amended by inserting “and discharge any Senior Pro-  
21 curement Executive duties and authorities assigned by the  
22 Secretary of the Air Force pursuant to section 9014(c)(6)  
23 of this title” after “Space Systems and Programs”.

1 **SEC. 1506. MODIFICATIONS TO SPACE FORCE ACQUISITION**  
2 **COUNCIL.**

3 (a) IN GENERAL.—Section 9021 of title 10, United  
4 States Code, is amended—

5 (1) in the section heading, by striking  
6 “**Force**”;

7 (2) in subsection (a), by striking “Space Force  
8 Acquisition Council” and inserting “Space Acquisi-  
9 tion Council”; and

10 (3) in subsection (c), by striking “the Air Force  
11 for”.

12 (b) CONFORMING AMENDMENT.—The table of sec-  
13 tions for chapter 903 of title 10, United States Code, is  
14 amended by striking the item relating to section 9021 and  
15 inserting the following:

“9021. Space Acquisition Council.”.

16 **SEC. 1507. MODIFICATIONS RELATING TO THE ASSISTANT**  
17 **SECRETARY OF THE AIR FORCE FOR SPACE**  
18 **ACQUISITION AND INTEGRATION.**

19 (a) SPACE FORCE ACQUISITION COUNCIL REVIEW  
20 AND CERTIFICATION OF DETERMINATIONS OF THE AS-  
21 SISTANT SECRETARY OF THE AIR FORCE FOR SPACE AC-  
22 QUISSION AND INTEGRATION.—Section 9021(c) of title  
23 10, United States Code, as amended by section 1506, is  
24 further amended—

1           (1) by striking “The Council” and inserting  
2           “(1) The Council”; and

3           (2) by adding at the end the following:

4           “(2)(A) The Council shall promptly—

5                 “(i) review any determination made by the As-  
6                 sistant Secretary of the Air Force for Space Acquisi-  
7                 tion and Integration with respect to architecture for  
8                 Department of Defense space systems or programs  
9                 under section 9016(b)(6)(B)(i), including the re-  
10                quirements for operating such space systems or pro-  
11                grams; and

12               “(ii)(I) if the Council finds such a determina-  
13               tion to be warranted, certify the determination; or

14               “(II) if the Council finds such a determination  
15               not to be warranted, decline to certify the deter-  
16               mination.

17           “(B) Not later than 10 business days after the Coun-  
18           cil makes a decision with respect to a certification under  
19           subparagraph (A), the Council shall submit to the congress-  
20           sional defense committees a notification of the decision,  
21           including a detailed justification for the decision.

22           “(C) Except as provided in subparagraph (D), the  
23           Assistant Secretary of the Air Force for Space Acquisition  
24           and Integration may not take any action to implement a  
25           determination referred to in subparagraph (A)(i) until 60

1 days after the submittal of the notification under subpara-  
2 graph (B).

3 “(D)(i) The Secretary of Defense may waive subpara-  
4 graph (C) in the event of an urgent national security con-  
5 dition.

6 “(ii) The Secretary of Defense shall submit to the  
7 congressional defense committees a notification of any  
8 waiver granted under this subparagraph, including a jus-  
9 tification for the waiver.”.

10 (b) DEPARTMENT OF DEFENSE SPACE SYSTEMS AND  
11 PROGRAMS.—Section 9016(b)(6)(B)(i) of title 10, United  
12 States Code, is amended to read as follows:

13 “(i) Be responsible for and oversee all ar-  
14 chitecture and integration of the Department of  
15 Defense for space systems and programs, with  
16 respect to their acquisition, including in support  
17 of the Chief of Space Operations under section  
18 9082 of this title.”.

19 (c) TRANSFER OF ACQUISITION PROJECTS FOR  
20 SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of  
21 the National Defense Authorization Act for Fiscal Year  
22 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C.  
23 9016 note) is amended by inserting “and the Department  
24 of Defense” after “programs of the Air Force”.

1 (d) ADDITIONAL AUTHORITIES OF CHIEF OF SPACE  
2 OPERATIONS.—Section 9082(d) of title 10, United States  
3 Code, is amended—

4 (1) in paragraph (5), by striking “; and” and  
5 inserting a semicolon;

6 (2) in paragraph (6), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new  
9 paragraph:

10 “(7) be the force design architect for Depart-  
11 ment of Defense space systems.”.

12 **SEC. 1508. MODIFICATION TO TRANSFER OF ACQUISITION**  
13 **PROJECTS FOR SPACE SYSTEMS AND PRO-**  
14 **GRAMS.**

15 Section 956(b)(3) of the National Defense Authoriza-  
16 tion Act for Fiscal Year 2020 (Public Law 116–92; 133  
17 Stat. 1566; 10 U.S.C. 9016 note), as amended by section  
18 1507(e), is further amended by striking “Effective” and  
19 inserting “Not later than”.

20 **SEC. 1509. EXTENSION AND MODIFICATION OF CERTIFI-**  
21 **CATIONS REGARDING INTEGRATED TAC-**  
22 **TICAL WARNING AND ATTACK ASSESSMENT**  
23 **MISSION OF THE AIR FORCE.**

24 Section 1666 of the National Defense Authorization  
25 Act for Fiscal Year 2017 (Public Law 114–328; 113 Stat.

1 2617), as amended by section 1604 of the William M.  
2 (Mac) Thornberry National Defense Authorization Act for  
3 Fiscal Year 2021 (Public Law 116–283), is further  
4 amended—

5 (1) in the section heading, by striking “**THE**  
6 **AIR FORCE**” and inserting “**THE DEPARTMENT**  
7 **OF THE AIR FORCE**”;

8 (2) in subsection (a)—

9 (A) in the matter preceding paragraph  
10 (1)—

11 (i) by striking “each year thereafter  
12 through 2020” and inserting “each year  
13 thereafter through 2026”; and

14 (ii) by inserting “, in consultation  
15 with the Commander of the United States  
16 Strategic Command and the Commander  
17 of the United States Northern Command,”  
18 after “the Commander of the United  
19 States Space Command”;

20 (B) in paragraph (1)—

21 (i) by striking “the Air Force is” and  
22 inserting “the Department of the Air  
23 Force is”; and

24 (ii) by inserting “and the Space  
25 Force” after “to the Air Force”; and

1 (C) in paragraph (2), by striking “the Air  
2 Force” and inserting “the Department of the  
3 Air Force”; and

4 (3) in subsection (b)—

5 (A) by inserting “of the United States  
6 Space Command” after “Commander”;

7 (B) by striking “system of the Air Force”  
8 and inserting “system of the Department of the  
9 Air Force”;

10 (C) by striking “command of the Air  
11 Force” and inserting “command of the Depart-  
12 ment of the Air Force”; and

13 (D) by striking “aspects of the Air Force”  
14 and inserting “aspects of the Department of the  
15 Air Force”.

16 **SEC. 1510. PROHIBITION ON MISSILE DEFENSE AGENCY**  
17 **PRODUCTION OF SATELLITES AND GROUND**  
18 **SYSTEMS ASSOCIATED WITH OPERATION OF**  
19 **SUCH SATELLITES.**

20 (a) IN GENERAL.—The Director of the Missile De-  
21 fense Agency shall not authorize or obligate funding for  
22 a program of record for the production of satellites or  
23 ground systems associated with the operation of such sat-  
24 ellites.

1 (b) EXEMPTION FOR PRODUCTION OF PROTOTYPE  
2 SATELLITES.—

3 (1) IN GENERAL.—The Director of the Missile  
4 Defense Agency, with the concurrence of the Space  
5 Acquisition Council established by section 9021 of  
6 title 10, United States Code, may authorize the pro-  
7 duction of a prototype satellite, consistent with the  
8 requirements of the Missile Defense Agency.

9 (2) REPORT.—Not later than 30 days after  
10 concurring with an authorization for the production  
11 of a prototype satellite under paragraph (1), the  
12 chair of the Space Acquisition Council shall submit  
13 to the congressional defense committees a report ex-  
14 plaining the reasons for such concurrence.

15 (3) LIMITATION ON OBLIGATION OF FUNDS.—  
16 The Director of the Missile Defense Agency may not  
17 obligate funds for the production of such a satellite  
18 before the submittal of the report required by para-  
19 graph (2).

20 **SEC. 1511. CONTINUED REQUIREMENT FOR NATIONAL SE-**  
21 **CURITY SPACE LAUNCH PROGRAM.**

22 In carrying out Phase 2 of the acquisition strategy  
23 for the National Security Space Launch program, the Sec-  
24 retary of the Air Force shall ensure that launch services  
25 are procured only from launch service providers that use

1 launch vehicles meeting Federal requirements with respect  
2 to required payloads to reference orbits.

3 **SEC. 1512. LIMITATION, REPORT, AND BRIEFING ON USE OF**  
4 **COMMERCIAL SATELLITE SERVICES AND AS-**  
5 **SOCIATED SYSTEMS.**

6 (a) LIMITATION.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary of Defense may not rely  
9 solely on the use of commercial satellite services and  
10 associated systems to carry out a critical defense re-  
11 quirement, such as command and control, targeting,  
12 and any other requirement necessary to effectively  
13 execute defense operations.

14 (2) MITIGATION MEASURES.—The Secretary  
15 may rely solely on the use of commercial satellite  
16 services and associated systems to carry out a crit-  
17 ical defense requirement described in paragraph (1)  
18 if the Secretary has taken measures to mitigate the  
19 vulnerability of any such requirement.

20 (b) REPORT AND BRIEFING.—

21 (1) IN GENERAL.—Not less frequently than  
22 quarterly through fiscal year 2030, the Secretary  
23 shall submit a report and provide a briefing to the  
24 congressional defense committees on the extent of  
25 the reliance of the Department of Defense on com-

1       mercial satellite services and associated systems to  
2       provide capability and additional capacity across the  
3       Department.

4               (2) ELEMENTS.—Each report and briefing re-  
5       quired by paragraph (1) shall include the following  
6       for the preceding quarter:

7                       (A) An assessment of such reliance and the  
8       resulting vulnerabilities.

9                       (B) An analysis of potential measures to  
10      mitigate such vulnerabilities.

11                      (C) A description of mitigation measures  
12      taken by the Secretary under subsection (a)(2).

13 **SEC. 1513. STUDY ON COMMERCIAL SYSTEMS INTEGRATION**  
14                      **INTO, AND SUPPORT OF, ARMED FORCES**  
15                      **SPACE OPERATIONS.**

16       (a) IN GENERAL.—The Secretary of the Air Force  
17      shall enter into an arrangement with a federally funded  
18      research and development center to conduct a study on—

19               (1) the extent of commercial support of, and in-  
20      tegration into, Armed Forces space operations; and

21               (2) measures to ensure that such operations,  
22      particularly operations that are mission critical, con-  
23      tinue to be carried out in the most effective manner  
24      possible during a time of conflict.

1 (b) ELEMENTS.—The study required by subsection  
2 (a) shall include an assessment of each of the following:

3 (1) The extent to which the Department of De-  
4 fense uses commercial satellites to support Armed  
5 Forces operations.

6 (2) The anticipated increase in such use during  
7 the subsequent 10-year period.

8 (3) In the event the Armed Forces loses access  
9 to commercially operated space systems and the data  
10 provided by such systems, the impact on Armed  
11 Forces operations.

12 (4) Steps the Department may take to mitigate  
13 the risk of loss of such access.

14 (5) As the Department develops plans to in-  
15 crease the resiliency of its space architectures, the  
16 anticipated role of commercial systems in such  
17 plans.

18 (6) The international agreements and organiza-  
19 tions that govern the manner in which commercial  
20 entities operate systems in outer space.

21 (7) Whether, under current international law, a  
22 commercial satellite used to support military oper-  
23 ations is considered a legitimate military target.

1           (8) The extent to which owners of commercial  
2 satellites are aware that such satellites may be tar-  
3 geted by a foreign power.

4           (9) The current insurance coverage scheme for  
5 commercial satellites that support Armed Forces op-  
6 erations.

7           (10) During the 10-year period ending on the  
8 date of the enactment of this Act, the frequency with  
9 which third parties have interfered with commer-  
10 cially operated satellites that support Armed Forces  
11 operations.

12           (11) Any other matter the Secretary considers  
13 necessary.

14 (c) REPORT.—

15           (1) IN GENERAL.—Not later than 270 days  
16 after the date of the enactment of this Act, the Sec-  
17 retary shall submit to the congressional defense com-  
18 mittees a report on the results of the study required  
19 by subsection (a).

20           (2) FORM.—The report required by paragraph  
21 (1) shall be submitted in unclassified form but may  
22 include a classified annex.

23 **SEC. 1514. SPACE POLICY REVIEW.**

24           (a) IN GENERAL.—The Secretary of Defense, in con-  
25 sultation with the Director of National Intelligence, shall

1 carry out a review of the space policy of the Department  
2 of Defense.

3 (b) ELEMENTS.—The review required by subsection  
4 (a) shall include the following:

5 (1) For the subsequent five-year period, an as-  
6 sessment of the threat to the space operations of the  
7 United States and its allies.

8 (2) An assessment of the national security ob-  
9 jectives of the Department relating to space.

10 (3) An evaluation of the policy changes and  
11 funding necessary to accomplish such objectives dur-  
12 ing such five-year period.

13 (4) An assessment of the policy of the Depart-  
14 ment with respect to deterring, responding to, and  
15 countering threats to the space operations of the  
16 United States and its allies.

17 (5) An analysis of such policy with respect to  
18 normative behaviors in space, including the commer-  
19 cial use of space.

20 (6) An analysis of the extent to which such pol-  
21 icy is coordinated with other ongoing policy reviews,  
22 including nuclear, missile defense, and cyber oper-  
23 ations.

24 (7) A description of the Department's organiza-  
25 tion and space doctrine to carry out its space policy.

1           (8) An assessment of the space systems and ar-  
2           chitectures to implement such space policy.

3           (9) Any other matter the Secretary considers  
4           appropriate.

5           (c) REPORT.—

6           (1) IN GENERAL.—Not later than 180 days  
7           after the date of the enactment of this Act, the Sec-  
8           retary, in consultation with the Director, shall sub-  
9           mit to the congressional defense committees a report  
10          on the results of the review required by subsection  
11          (a).

12          (2) ANNUAL UPDATES.—Not less frequently  
13          than annually for fiscal years 2024 through 2026,  
14          and concurrent with the President’s budget submis-  
15          sions, the Secretary, in consultation with the Direc-  
16          tor, shall submit to the congressional defense com-  
17          mittees a report describing any update to the assess-  
18          ments, analyses, and evaluations carried out pursu-  
19          ant to such review.

20          (3) FORM.—Each report required by this sub-  
21          section shall be submitted in unclassified form but  
22          may include a classified annex.

1 **SEC. 1515. ANNUAL BRIEFING ON THREATS TO SPACE OP-**  
2 **ERATIONS.**

3 (a) **IN GENERAL.**—Not later than February 28 each  
4 year through 2026, the Chief of Space Operations, in con-  
5 sultation with the Director of National Intelligence, shall  
6 brief the appropriate committees of Congress on the  
7 threats to United States space operations posed by the  
8 Russian Federation, the People’s Republic of China, and  
9 any other country relevant to the conduct of such oper-  
10 ations.

11 (b) **ELEMENTS.**—Each briefing required by sub-  
12 section (a) shall include the following:

13 (1) A review of the current posture of such  
14 threats and anticipated advances in such threats  
15 over the subsequent five-year period.

16 (2) A description of potential measures to  
17 counter such threats.

18 (c) **APPROPRIATE COMMITTEES OF CONGRESS DE-**  
19 **FINED.**—In this section, the term “appropriate commit-  
20 tees of Congress” means—

21 (1) the Committee on Armed Services, the  
22 Committee on Appropriations, and the Select Com-  
23 mittee on Intelligence of the Senate; and

24 (2) the Committee on Armed Services, the  
25 Committee on Appropriations, and the Permanent

1 Select Committee on Intelligence of the House of  
2 Representatives.

3 **Subtitle B—Defense Intelligence**  
4 **and Intelligence-related Activities**

5 **SEC. 1521. AUTHORITY FOR ARMY COUNTERINTELLIGENCE**

6 **AGENTS TO EXECUTE WARRANTS AND MAKE**  
7 **ARRESTS.**

8 (a) IN GENERAL.—Section 7377 of title 10, United  
9 States Code, is amended—

10 (1) in the section heading, by inserting “**and**  
11 **Army Counterintelligence Command**” be-  
12 fore the colon; and

13 (2) in subsection (b)—

14 (A) by striking “any employee of the De-  
15 partment of the Army who is a special agent”  
16 and inserting the following: “any employee of  
17 the Department of the Army who is—

18 “(1) a special agent”;

19 (B) in subparagraph (1), as designated by  
20 subparagraph (A), by striking the period at the  
21 end and inserting “; or”; and

22 (C) by adding at the end the following new  
23 paragraph:

24 “(2) a special agent of the Army Counterintel-  
25 ligence Command (or a successor to that command)

1       whose duties include conducting, supervising, or co-  
2       ordinating counterintelligence investigations involv-  
3       ing potential or alleged violations punishable under  
4       chapter 37, 113B, or 115 of title 18 and similar of-  
5       fenses punishable under this title.”.

6       (b) CLERICAL AMENDMENT.—The table of sections  
7       at the beginning of chapter 747 of such title is amended  
8       by striking the item relating to section 7377 and inserting  
9       the following new item:

      “7377. Civilian special agents of the Criminal Investigation Command and Army  
          Counterintelligence Command: authority to execute warrants  
          and make arrests.”.

10   **SEC. 1522. ANNUAL BRIEFING BY DIRECTOR OF THE DE-**  
11                   **ENSE INTELLIGENCE AGENCY ON ELEC-**  
12                   **TRONIC WARFARE THREAT TO OPERATIONS**  
13                   **OF THE DEPARTMENT OF DEFENSE.**

14       (a) IN GENERAL.—Not later than the first March 31  
15       after the date of the enactment of this Act and not later  
16       than March 31 of each year thereafter until March 31,  
17       2026, the Director of the Defense Intelligence Agency  
18       shall provide the congressional defense committees, the  
19       Select Committee on Intelligence of the Senate, and the  
20       Permanent Select Committee on Intelligence of the House  
21       of Representatives a briefing on the electronic warfare  
22       threat to operations of the Department of Defense by Rus-  
23       sia and China as well other countries relevant to the con-  
24       duct of such operations.

1 (b) CONTENTS.—Each briefing provided under sub-  
2 section (a) shall include a review of the following:

3 (1) Current electronic warfare capabilities of  
4 the armed forces of Russia, the armed forces of  
5 China, and the armed forces of such other countries  
6 as the Director considers appropriate.

7 (2) An estimate, for the five-year period begin-  
8 ning after the date of the briefing of the following:

9 (A) Advances in electronic warfare threats  
10 to the operations of the Department from the  
11 countries referred to in paragraph (1).

12 (B) The order of battle for Russia, China,  
13 and each other country the Secretary considers  
14 appropriate.

## 15 **Subtitle C—Nuclear Forces**

### 16 **SEC. 1531. PARTICIPATION IN UNITED STATES STRATEGIC** 17 **COMMAND STRATEGIC DETERRENCE EXER-** 18 **CISES.**

19 (a) SENSE OF THE SENATE.—It is the sense of the  
20 Senate that—

21 (1) presidential decisions to consider or author-  
22 ize the use of nuclear weapons are of critical na-  
23 tional importance, and should be informed by senior  
24 officials and staff who are intimately familiar with  
25 the likely scenarios in which such use might be con-

1 templated and trained in the associated consultation  
2 and communications processes;

3 (2) in a world in which emerging technologies  
4 are rapidly changing the nature of conflict, the con-  
5 siderations surrounding the use of nuclear weapons  
6 have become even more complex, challenging even  
7 those most experienced with the intricacies of nu-  
8 clear employment decision-making processes, and  
9 that now, more than ever, effective crisis manage-  
10 ment requires improved senior leader understanding  
11 of the complexities of deterrence, escalation and de-  
12 escalation, and the range of options available across  
13 all phases of a crisis or conflict;

14 (3) as a result of the concerns described in  
15 paragraph (2), section 1669 of the John S. McCain  
16 National Defense Authorization Act for Fiscal Year  
17 2019 (Public Law 115–232; 132 Stat. 2156) di-  
18 rected the Secretary of Defense to contract with a  
19 federally funded research and development center to  
20 conduct a study on the potential benefits and risks  
21 of options to increase the time the President has to  
22 make a decision regarding the employment of nu-  
23 clear weapons;

24 (4) the resulting report, completed by the Insti-  
25 tute for Defense Analyses, found that, “For the un-

1 derlying system to have the best chance of giving a  
2 president all of the decision time the circumstances  
3 afford, trusted advisors cannot be starting to become  
4 familiar with nuclear weapons and operations in the  
5 midst of a crisis. Consequently, a relatively simple  
6 path to maximizing presidential decision time fo-  
7 cuses on preparing principals for a type of decision  
8 or situation that will be different than anything they  
9 have encountered previously in their careers.”;

10 (5) in 2020, the Defense Science Board reached  
11 a similar recommendation in assessing the national  
12 leadership command capability, which was to “estab-  
13 lish an exercise, testing, and learning regimen that  
14 is sustained and provides the principal source of  
15 areas for continuous improvement in capabilities and  
16 processes”;

17 (6) such preparation is best achieved through  
18 participation in realistic and operationally relevant  
19 simulations of scenarios in which a decision to au-  
20 thorize the use of nuclear weapons might reasonably  
21 be considered and, accordingly, senior officials, advi-  
22 sors to the President, and staff should leverage any  
23 and all opportunities to improve their familiarity  
24 with such scenarios and processes; and

1           (7) because of the highly classified nature of  
2 such activities, the most appropriate means of im-  
3 proving familiarity with such scenarios and processes  
4 is through participation in annual exercises orga-  
5 nized and executed by the United States Strategic  
6 Command and Joint Staff or through other appro-  
7 priate nuclear and command control exercises con-  
8 ducted on a regular basis.

9           (b) PARTICIPATION IN UNITED STATES STRATEGIC  
10 COMMAND STRATEGIC DETERRENCE EXERCISES.—

11           (1) IN GENERAL.—Chapter 24 of title 10,  
12 United States Code, is amended by adding at the  
13 end the following new section:

14 **“§ 499b. Participation in United States Strategic**  
15 **Command strategic deterrence exercises**

16           “(a) IN GENERAL.—In the case of annual strategic  
17 deterrence exercises held by the United States Strategic  
18 Command during fiscal years 2022 through 2032—

19           “(1) the Assistant to the President for National  
20 Security Affairs is encouraged to participate in each  
21 such exercise that occurs during an even-numbered  
22 year;

23           “(2) the Deputy Assistant to the President for  
24 National Security Affairs is encouraged to partici-

1       pate in each such exercise that occurs during an  
2       odd-numbered year;

3               “(3) the Under Secretary of Defense for Policy  
4       shall participate, in whole or in part, in each such  
5       exercise;

6               “(4) the Vice Chairman of the Joint Chiefs of  
7       Staff shall participate, in whole or in part, in each  
8       such exercise;

9               “(5) appropriate senior staff of the Executive  
10      Office of the President or appropriate organizations  
11      supporting the White House relating to continuity of  
12      government activities are encouraged to participate  
13      in each such exercise;

14              “(6) appropriate general or flag officers of the  
15      military departments, and appropriate employees of  
16      Federal agencies in Senior Executive Service posi-  
17      tions (as defined in section 3132 of title 5, United  
18      States Code), shall participate, in whole or in part,  
19      in each such exercise, to provide relevant expertise  
20      to the Assistant to the President for National Secu-  
21      rity Affairs and the Deputy Assistant to the Presi-  
22      dent for National Security Affairs; and

23              “(7) in the case of such an exercise for which  
24      a unified combatant command has a geographic area  
25      of responsibility relevant to the scenario planned to

1 be used for the exercise, not fewer than two of the  
2 following individuals from that command shall par-  
3 ticipate, in whole or in part, in the exercise:

4 “(A) The Commander.

5 “(B) The Deputy Commander.

6 “(C) The Director of the Joint Staff for  
7 Operations.

8 “(D) The Director of the Joint Staff for  
9 Strategic Plans and Policy.

10 “(b) REPORTS REQUIRED.—(1) Not later than 30  
11 days after the completion of an annual strategic deter-  
12 rence exercise described in subsection (a), the Commander  
13 of the United States Strategic Command shall submit to  
14 the Chairman of the Joint Chiefs of Staff and the Sec-  
15 retary of Defense a report on the exercise, which, at a  
16 minimum, shall include the following:

17 “(A) A description of the purpose and scope of  
18 the exercise.

19 “(B) An identification of the principal per-  
20 sonnel participating in the exercise.

21 “(C) A statement of the principal findings re-  
22 sulting from the exercise that specifically relate to  
23 the nuclear command, control, and communications  
24 or senior leader decision-making process and a de-

1       scription of any deficiencies in that process identi-  
2       fied a result of the exercise.

3       “(2) Not later than 60 days after the completion of  
4       an annual strategic deterrence exercise described in sub-  
5       section (a), the Secretary shall transmit to the congres-  
6       sional defense committees—

7               “(A) an unedited copy of the report of the  
8       Commander submitted under paragraph (1); and

9               “(B) any additional recommendations or other  
10       matters the Secretary considers appropriate.”.

11       (2) CLERICAL AMENDMENT.—The table of sec-  
12       tions for chapter 24 of such title is amended by add-  
13       ing at the end the following new item:

“499b. Participation in annual United States Strategic Command strategic de-  
terrence exercises.”.

14       **SEC. 1532. MODIFICATION TO REQUIREMENTS RELATING**  
15               **TO NUCLEAR FORCE REDUCTIONS.**

16       (a) PRIOR NOTIFICATION OF REDUCTIONS FOR IN-  
17       SUFFICIENT FUNDING.—Subsection (a)(2)(B) of section  
18       494 of title 10, United States Code, is amended by strik-  
19       ing “60 days” and inserting “120 days”.

20       (b) NET ASSESSMENT OF NUCLEAR FORCE LEVELS  
21       WITH RESPECT TO CERTAIN PROPOSALS TO REDUCE NU-  
22       CLEAR WEAPONS STOCKPILE.—Subsection (c) of such  
23       section is amended—

1           (1) by striking “December 31, 2011” each  
2           place it appears and inserting “December 31,  
3           2021”;

4           (2) in paragraph (1)—

5                 (A) by amending subparagraph (B) to read  
6           as follows:

7                 “(B) the Secretary of Defense shall, not  
8           later than 120 days before the President imple-  
9           ments that proposal, submit to the congres-  
10          sional defense committees—

11                 “(i) the assessment described in sub-  
12          paragraph (A), unchanged, together with  
13          the explanatory views of the Secretary, as  
14          the Secretary deems appropriate; and

15                 “(ii) an assessment of whether the  
16          proposed reduction in nuclear weapons will  
17          cause the number of nuclear weapons in  
18          the United States nuclear weapons stock-  
19          pile to be fewer than the high-confidence  
20          assessment of the intelligence community  
21          (as defined in section 3(4) of the National  
22          Security Act of 1947 (50 U.S.C. 3003(4)))  
23          with respect to the number of nuclear  
24          weapons in the stockpiles of the Russian

1 Federation and the People’s Republic of  
2 China; and”;

3 (B) in subparagraph (C), by striking  
4 “Committees on Armed Forces of the Senate  
5 and the House of Representatives” and insert-  
6 ing “congressional defense committees”;

7 (3) in paragraph (2)(B)—

8 (A) in clause (i)—

9 (i) by inserting “nonpermanent” be-  
10 fore “reductions”; and

11 (ii) by striking “; or” and inserting a  
12 semicolon;

13 (B) by redesignating clause (ii) as clause  
14 (iii); and

15 (C) by inserting after clause (i) the fol-  
16 lowing new clause (ii):

17 “(ii) nonpermanent reductions that  
18 support the reliability, credibility, testing,  
19 maintenance, or certification of nuclear  
20 weapons delivery systems; or”;

21 (4) by striking paragraph (3).

22 (c) PREVENTION OF ASYMMETRY IN REDUCTIONS.—

23 Such section is further amended by striking subsection

24 (d).

1 **SEC. 1533. MODIFICATIONS TO REQUIREMENTS RELATING**  
2 **TO UNILATERAL CHANGES IN NUCLEAR**  
3 **WEAPONS STOCKPILE OF THE UNITED**  
4 **STATES.**

5 Section 498 of title 10, United States Code, is  
6 amended—

7 (1) by striking subsection (a) and inserting the  
8 following new subsection (a):

9 “(a) IN GENERAL.—Other than pursuant to a treaty  
10 to which the Senate has provided advice and consent pur-  
11 suant to section 2 of article II of the Constitution of the  
12 United States, if the President has under consideration  
13 to unilaterally change the size of the total stockpile of nu-  
14 clear weapons of the United States, or the total number  
15 of deployed nuclear weapons (as defined under the New  
16 START Treaty), by more than 15 percent, prior to doing  
17 so the President shall initiate a Nuclear Posture Review.”;

18 (2) in subsection (c), by striking “in the nuclear  
19 weapons stockpile by more than 25 percent” and in-  
20 serting “described in subsection (a)”;

21 (3) in subsection (d), by striking “treaty obliga-  
22 tions” and inserting “obligations pursuant to a trea-  
23 ty to which the Senate has provided advice and con-  
24 sent pursuant to section 2 of article II of the Con-  
25 stitution”; and

26 (4) by adding at the end the following:

1       “(f) NEW START TREATY DEFINED.—In this sec-  
2 tion, the term ‘New START Treaty’ means the Treaty be-  
3 tween the United States of America and the Russian Fed-  
4 eration on Measures for the Further Reduction and Limi-  
5 tation of Strategic Offensive Arms, signed on April 8,  
6 2010, and entered into force on February 5, 2011.”.

7 **SEC. 1534. DEADLINE FOR REPORTS ON MODIFICATION OF**  
8                   **FORCE STRUCTURE FOR STRATEGIC NU-**  
9                   **CLEAR WEAPONS DELIVERY SYSTEMS.**

10       Section 493 of title 10, United States Code, is  
11 amended in the first sentence by inserting after “report  
12 on the modification” the following: “not less than 180  
13 days before the intended effective date of the modifica-  
14 tion”.

15 **SEC. 1535. MODIFICATION OF DEADLINE FOR NOTIFICA-**  
16                   **TIONS RELATING TO REDUCTION, CONSOLI-**  
17                   **DATION, OR WITHDRAWAL OF NUCLEAR**  
18                   **FORCES BASED IN EUROPE.**

19       Section 497(b) of title 10, United States Code, is  
20 amended by striking “60 days” and inserting “120 days”.

21 **SEC. 1536. CONGRESSIONAL COMMISSION ON THE STRA-**  
22                   **TEGIC POSTURE OF THE UNITED STATES.**

23       (a) ESTABLISHMENT.—There is established in the  
24 legislative branch a commission to be known as the “Con-  
25 gressional Commission on the Strategic Posture of the

1 United States” (in this section referred to as the “Com-  
2 mission”). The purpose of the Commission is to examine  
3 and make recommendations to the President and Congress  
4 with respect to the long-term strategic posture of the  
5 United States.

6 (b) COMPOSITION.—

7 (1) MEMBERSHIP.—The Commission shall be  
8 composed of 12 members appointed as follows:

9 (A) Three by the chairperson of the Com-  
10 mittee on Armed Services of the Senate.

11 (B) Three by the ranking minority member  
12 of the Committee on Armed Services of the  
13 Senate.

14 (C) Three by the chairperson of the Com-  
15 mittee on Armed Services of the House of Rep-  
16 resentatives.

17 (D) Three by the ranking minority member  
18 of the Committee on Armed Services of the  
19 House of Representatives.

20 (2) QUALIFICATIONS.—

21 (A) IN GENERAL.—In making appoint-  
22 ments under paragraph (1), the chairpersons  
23 and ranking minority members of the Commit-  
24 tees on Armed Services of the Senate and the

1 House of Representatives shall select members  
2 from among individuals who—

3 (i) are United States citizens;

4 (ii) are not officers or employees of  
5 the Federal Government or any State or  
6 local government; and

7 (iii) have received national recognition  
8 and have significant depth of experience in  
9 such professions as governmental service,  
10 law enforcement, the Armed Forces, law,  
11 public administration, intelligence gath-  
12 ering, commerce (including aviation mat-  
13 ters), or foreign affairs.

14 (B) POLITICAL PARTY AFFILIATION.—Not  
15 more than 6 members of the Commission may  
16 be appointed from the same political party.

17 (3) DEADLINE FOR APPOINTMENT.—

18 (A) IN GENERAL.—All members of the  
19 Commission shall be appointed under paragraph  
20 (1) not later than 45 days after the date of the  
21 enactment of this Act.

22 (B) EFFECT OF LACK OF APPOINTMENTS  
23 BY APPOINTMENT DATE.—If one or more ap-  
24 pointments under paragraph (1) is not made by  
25 the date specified in subparagraph (A)—

1 (i) the authority to make such ap-  
2 pointment or appointments shall expire;  
3 and

4 (ii) the number of members of the  
5 Commission shall be reduced by the num-  
6 ber of appointments not made by that  
7 date.

8 (4) CHAIRPERSON; VICE CHAIRPERSON.—

9 (A) CHAIRPERSON.—The chairpersons of  
10 the Committees on Armed Services of the Sen-  
11 ate and the House of Representatives shall  
12 jointly designate one member of the Commis-  
13 sion to serve as chairperson of the Commission.

14 (B) VICE CHAIRPERSON.—The ranking mi-  
15 nority members of the Committees on Armed  
16 Services of the Senate and the House of Rep-  
17 resentatives shall jointly designate one member  
18 of the Commission to serve as vice chairperson  
19 of the Commission.

20 (5) ACTIVATION.—

21 (A) IN GENERAL.—The Commission—

22 (i) may begin operations under this  
23 section on the date on which not less than  
24  $\frac{2}{3}$  of the members of the Commission have  
25 been appointed under paragraph (1); and

1                   (ii) shall meet and begin the oper-  
2                   ations of the Commission as soon as prac-  
3                   ticable after the date described in clause  
4                   (i).

5                   (B) SUBSEQUENT MEETINGS.—After its  
6                   initial meeting, the Commission shall meet upon  
7                   the call of the chairperson or a majority of its  
8                   members.

9                   (6) QUORUM.—Eight members of the Commis-  
10                  sion shall constitute a quorum.

11                  (7) PERIOD OF APPOINTMENT; VACANCIES.—  
12                  Members of the Commission shall be appointed for  
13                  the life of the Commission. A vacancy in the Com-  
14                  mission does not affect the powers of the Commis-  
15                  sion and shall (except as provided by paragraph  
16                  (3)(B)) be filled in the same manner in which the  
17                  original appointment was made.

18                  (8) REMOVAL OF MEMBERS.—

19                  (A) IN GENERAL.—A member of the Com-  
20                  mission may be removed from the Commission  
21                  for cause by the individual serving in the posi-  
22                  tion responsible for the original appointment of  
23                  the member under paragraph (1), provided that  
24                  notice is first provided to that official of the  
25                  cause for removal, and removal is voted and

1           agreed upon by  $\frac{3}{4}$  of the members of the Com-  
2           mission.

3           (B) VACANCIES.—A vacancy created by  
4           the removal of a member of the Commission  
5           under subparagraph (A) does not affect the  
6           powers of the Commission and shall be filled in  
7           the same manner in which the original appoint-  
8           ment was made.

9           (c) DUTIES.—

10           (1) REVIEW.—The Commission shall conduct a  
11           review of the strategic posture of the United States,  
12           including a strategic threat assessment and a de-  
13           tailed review of nuclear weapons policy, strategy,  
14           and force structure and factors affecting the stra-  
15           tegic stability of near-peer competitors of the United  
16           States.

17           (2) ASSESSMENT AND RECOMMENDATIONS.—

18           (A) ASSESSMENT.—The Commission shall  
19           assess—

20           (i) the benefits and risks associated  
21           with the current strategic posture and nu-  
22           clear weapons policies of the United  
23           States;

24           (ii) factors affecting strategic stability  
25           that relate to the strategic posture; and

1 (iii) lessons learned from the findings  
2 and conclusions of the Congressional Com-  
3 mission on the Strategic Posture of the  
4 United States established by section 1062  
5 of the National Defense Authorization Act  
6 for Fiscal Year 2008 (Public Law 110-  
7 181; 122 Stat. 319) and other previous  
8 commissions and previous Nuclear Posture  
9 Reviews.

10 (B) RECOMMENDATIONS.—The Commis-  
11 sion shall make recommendations with respect  
12 to—

13 (i) the most appropriate strategic pos-  
14 ture;

15 (ii) the extent to which capabilities  
16 other than nuclear weapons can contribute  
17 to or detract from strategic stability; and

18 (iii) the most effective nuclear weap-  
19 ons strategy for strategic posture and sta-  
20 bility.

21 (d) REPORT AND BRIEFING REQUIRED.—

22 (1) IN GENERAL.—Not later than December 31,  
23 2022, the Commission shall submit to the President  
24 and the Committees on Armed Services of the Sen-  
25 ate and the House of Representatives a report on

1 the Commission's findings, conclusions, and rec-  
2 ommendations.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include—

5 (A) the recommendations required by sub-  
6 section (c)(2)(B);

7 (B) a description of the military capabili-  
8 ties and force structure necessary to support  
9 the nuclear weapons strategy recommended  
10 under that subsection, including nuclear, non-  
11 nuclear kinetic, and nonkinetic capabilities that  
12 might support the strategy, and other factors  
13 that might affect strategic stability;

14 (C) a description of the nuclear infrastruc-  
15 ture (that is, the size of the nuclear complex)  
16 required to support the strategy and the appro-  
17 priate organizational structure for the nuclear  
18 security enterprise;

19 (D) an assessment of the role of missile  
20 defenses in the strategy;

21 (E) an assessment of the role of cyber de-  
22 fense capabilities in the strategy;

23 (F) an assessment of the role of space sys-  
24 tems in the strategy;

1           (G) an assessment of the role of non-  
2 proliferation programs in the strategy;

3           (H) an assessment of the role of nuclear  
4 arms control in the strategy;

5           (I) an assessment of the political and mili-  
6 tary implications of the strategy for the United  
7 States and its allies; and

8           (J) any other information or recommenda-  
9 tions relating to the strategy (or to the stra-  
10 tegic posture) that the Commission considers  
11 appropriate.

12           (3) INTERIM BRIEFING.—Not later than 180  
13 days after the deadline for appointment of members  
14 of the Commission specified in subsection (b)(3)(A),  
15 the Commission shall provide to the Committees on  
16 Armed Services of the Senate and the House of Rep-  
17 resentatives a briefing on the status of the review,  
18 assessments, and recommendations required by sub-  
19 section (c), including a discussion of any interim rec-  
20 ommendations.

21           (e) INFORMATION FROM FEDERAL AGENCIES.—

22           (1) IN GENERAL.—The Commission may secure  
23 directly from the Department of Defense, the Na-  
24 tional Nuclear Security Administration, the Depart-  
25 ment of State, or the Office of the Director of Na-

1 tional Intelligence information, suggestions, esti-  
2 mates, and statistics for the purposes of this section.  
3 Each of such agency shall, to the extent authorized  
4 by law, furnish such information, suggestions, esti-  
5 mates, and statistics directly to the Commission,  
6 upon receiving a request made by—

7 (A) the chairperson of the Commission;

8 (B) the chairperson of any subcommittee  
9 of the Commission created by a majority of  
10 members of the Commission; or

11 (C) any member of the Commission des-  
12 igned by a majority of the Commission for  
13 purposes of making requests under this para-  
14 graph.

15 (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
16 SEMINATION.—Information, suggestions, estimates,  
17 and statistics provided to the Commission under  
18 paragraph (1) may be received, handled, stored, and  
19 disseminated only by members of the Commission  
20 and its staff consistent with all applicable statutes,  
21 regulations, and Executive orders.

22 (f) ASSISTANCE FROM FEDERAL AGENCIES.—In ad-  
23 dition to information, suggestions, estimates, and statis-  
24 tics provided under subsection (e), departments and agen-  
25 cies of the United States may provide to the Commission

1 such services, funds, facilities, staff, and other support  
2 services as those departments and agencies may determine  
3 advisable and as may be authorized by law.

4 (g) COMPENSATION AND TRAVEL EXPENSES.—

5 (1) STATUS AS FEDERAL EMPLOYEES.—Not-  
6 withstanding the requirements of section 2105 of  
7 title 5, United States Code, including the require-  
8 ments relating to supervision under subsection  
9 (a)(3) of such section, the members of the commis-  
10 sion shall be deemed to be Federal employees.

11 (2) COMPENSATION.—Each member of the  
12 Commission may be compensated at not to exceed  
13 the daily equivalent of the annual rate of basic pay  
14 in effect for a position at level IV of the Executive  
15 Schedule under section 5315 of title 5, United  
16 States Code, for each day during which that member  
17 is engaged in the actual performance of the duties  
18 of the Commission.

19 (3) TRAVEL EXPENSES.—While away from  
20 their homes or regular places of business in the per-  
21 formance of services for the Commission, members  
22 of the Commission shall be allowed travel expenses,  
23 including per diem in lieu of subsistence, in the  
24 same manner as persons employed intermittently in

1 the Government service are allowed expenses under  
2 section 5703 of title 5, United States Code.

3 (h) STAFF.—

4 (1) EXECUTIVE DIRECTOR.—The Commission  
5 shall appoint and fix the rate of basic pay for an Ex-  
6 ecutive Director in accordance with section 3161(d)  
7 of title 5, United States Code.

8 (2) PAY.—The Executive Director appointed  
9 under paragraph (1) may, with the approval of the  
10 Commission, appoint and fix the rate of basic pay  
11 for additional personnel as staff of the Commission  
12 in accordance with section 3161(d) of title 5, United  
13 States Code.

14 (i) PERSONAL SERVICES.—

15 (1) AUTHORITY TO PROCURE.—The Commis-  
16 sion may—

17 (A) procure the services of experts or con-  
18 sultants (or of organizations of experts or con-  
19 sultants) in accordance with the provisions of  
20 section 3109 of title 5, United States Code; and

21 (B) pay in connection with such services  
22 travel expenses of individuals, including trans-  
23 portation and per diem in lieu of subsistence,  
24 while such individuals are traveling from their  
25 homes or places of business to duty stations.

1           (2) MAXIMUM DAILY PAY RATES.—The daily  
2 rate paid an expert or consultant procured pursuant  
3 to paragraph (1) may not exceed the daily equivalent  
4 of the annual rate of basic pay in effect for a posi-  
5 tion at level IV of the Executive Schedule under sec-  
6 tion 5315 of title 5, United States Code.

7           (j) CONTRACTING AUTHORITY.—The Commission  
8 may acquire administrative supplies and equipment for  
9 Commission use to the extent funds are available.

10          (k) AUTHORITY TO ACCEPT GIFTS.—

11           (1) IN GENERAL.—The Commission may ac-  
12 cept, use, and dispose of gifts or donations of serv-  
13 ices, goods, and property from non-Federal entities  
14 for the purposes of aiding and facilitating the work  
15 of the Commission. The authority under this para-  
16 graph does not extend to gifts of money.

17           (2) DOCUMENTATION; CONFLICTS OF INTER-  
18 EST.—The Commission shall document gifts accept-  
19 ed under the authority provided by paragraph (1)  
20 and shall avoid conflicts of interest or the appear-  
21 ance of conflicts of interest.

22           (3) COMPLIANCE WITH CONGRESSIONAL ETHICS  
23 RULES.—Except as specifically provided in this sec-  
24 tion, a member of the Commission shall comply with  
25 rules set forth by the Select Committee on Ethics of

1 the Senate and the Committee on Ethics of the  
2 House of Representatives governing employees of the  
3 Senate and the House of Representatives, respec-  
4 tively.

5 (l) POSTAL SERVICES.—The Commission may use  
6 the United States mails in the same manner and under  
7 the same conditions as departments and agencies of the  
8 United States.

9 (m) COMMISSION SUPPORT.—Not later than 60 days  
10 after the date of the enactment of this Act, the Secretary  
11 of Defense shall seek to enter into a contract with a feder-  
12 ally funded research and development center to provide  
13 appropriate staff and administrative support for the ac-  
14 tivities of the Commission.

15 (n) EXPEDITION OF SECURITY CLEARANCES.—The  
16 Office of Senate Security and the Office of House Security  
17 shall ensure the expedited processing of appropriate secu-  
18 rity clearances for personnel appointed to the Commission  
19 by offices of the Senate and the House of Representatives,  
20 respectively, under processes developed for the clearance  
21 of legislative branch employees.

22 (o) LEGISLATIVE ADVISORY COMMITTEE.—The Com-  
23 mission shall operate as a legislative advisory committee  
24 and shall not be subject to the provisions of the Federal  
25 Advisory Committee Act (5 U.S.C. App) or section 552b,

1 United States Code (commonly known as the “Govern-  
2 ment in the Sunshine Act”).

3 (p) FUNDING.—Of the amounts authorized to be ap-  
4 propriated by this Act for fiscal year 2022 for the Depart-  
5 ment of Defense, up to \$7,000,000 shall be made available  
6 to the Commission to carry out its duties under this sec-  
7 tion. Funds made available to the Commission under the  
8 preceding sentence shall remain available until expended.

9 (q) TERMINATION.—

10 (1) IN GENERAL.—The Commission, and all au-  
11 thorities under this section, shall terminate on the  
12 date that is 90 days after the Commission submits  
13 the final report required by subsection (d).

14 (2) ADMINISTRATIVE ACTIONS BEFORE TERMI-  
15 NATION.—The Commission may use the 90-day pe-  
16 riod described in paragraph (1) for the purpose of  
17 concluding its activities, including providing testi-  
18 mony to committees of Congress with respect to and  
19 disseminating the report required by subsection (d).

20 **SEC. 1537. REVISED NUCLEAR POSTURE REVIEW.**

21 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—  
22 In order to clarify United States nuclear deterrence policy  
23 and strategy for the near term, the Secretary of Defense,  
24 acting through the Under Secretary of Defense for Policy  
25 and the Vice Chairman of the Joint Chiefs of Staff, shall

1 conduct a comprehensive review of the nuclear posture of  
2 the United States for the next 5 to 10 years. The Sec-  
3 retary shall conduct the review in consultation with the  
4 Secretary of Energy, the Secretary of State, and the Di-  
5 rector of National Intelligence.

6 (b) ELEMENTS OF REVIEW.—The nuclear posture re-  
7 view shall include the following elements:

8 (1) An assessment of the current and projected  
9 nuclear capabilities of the Russian Federation and  
10 the People’s Republic of China, and such other po-  
11 tential threats as the Secretary considers appro-  
12 priate to include.

13 (2) The role of nuclear forces in United States  
14 military strategy, planning, and programming.

15 (3) The policy requirements and objectives for  
16 the United States to maintain a safe, reliable, and  
17 credible nuclear deterrence posture.

18 (4) The relationship among United States nu-  
19 clear deterrence policy, targeting strategy, and arms  
20 control objectives.

21 (5) The role that missile defenses, conventional  
22 strike forces, and other capabilities play in deter-  
23 mining the role and size of nuclear forces.

24 (6) The levels and composition of the nuclear  
25 delivery systems that will be required for imple-

1       menting the United States national and military  
2       strategy, including ongoing plans for replacing exist-  
3       ing systems.

4           (7) The nuclear weapons complex that will be  
5       required for implementing the United States na-  
6       tional and military strategy, including ongoing plans  
7       to modernize the complex.

8           (8) The active and inactive nuclear weapons  
9       stockpile that will be required for implementing the  
10      United States national and military strategy, includ-  
11      ing ongoing plans for replacing or modifying war-  
12      heads.

13      (c) REPORT TO CONGRESS.—The Secretary of De-  
14      fense shall submit to Congress, in unclassified and classi-  
15      fied forms as necessary, a report on the results of the nu-  
16      clear posture review conducted under this section. The re-  
17      port shall be submitted concurrently with the national de-  
18      fense strategy required to be submitted under section  
19      113(g) of title 10, United States Code, in 2022.

20      **SEC. 1538. GROUND-BASED STRATEGIC DETERRENT DEVEL-**  
21                           **OPMENT PROGRAM ACCOUNTABILITY MAT-**  
22                           **RICES.**

23      (a) IN GENERAL.—Concurrent with the submission  
24      to Congress of the budget of the President for fiscal year  
25      2023 and each fiscal year thereafter pursuant to section

1 1105(a) of title 31, United States Code, the Secretary of  
2 the Air Force shall submit to the congressional defense  
3 committees and the Comptroller General of the United  
4 States the matrices described in subsection (b) relating to  
5 the ground-based strategic deterrent weapon system.

6 (b) MATRICES DESCRIBED.—The matrices described  
7 in this subsection are the following:

8 (1) ENGINEERING AND MANUFACTURING DE-  
9 VELOPMENT GOALS.—A matrix that identifies, in  
10 six-month increments, key milestones, development  
11 events, and specific performance goals for the engi-  
12 neering and manufacturing development phase of  
13 the ground-based strategic deterrent weapon system,  
14 which shall be subdivided, at a minimum, according  
15 to the following:

16 (A) Technology maturity, including tech-  
17 nology readiness levels of major components  
18 and key demonstration events leading to tech-  
19 nology readiness level 7 full maturity.

20 (B) Design maturity for the missile, weap-  
21 on system command and control, and ground  
22 systems.

23 (C) Software maturity, including key  
24 events and metrics.

1 (D) Manufacturing maturity, including  
2 manufacturing readiness levels for critical man-  
3 ufacturing operations and key demonstration  
4 events.

5 (E) The schedule with respect to the fol-  
6 lowing:

7 (i) Ground-based strategic deterrent  
8 weapon system level critical path events  
9 and margins.

10 (ii) Separate individual critical path  
11 events and margins for each of the fol-  
12 lowing major events:

13 (I) First flight.

14 (II) First functional test.

15 (III) Weapon system qualifica-  
16 tion.

17 (IV) Combined certifications.

18 (V) Operational weapon system  
19 article.

20 (VI) Initial operational capa-  
21 bility.

22 (VII) Wing A completion.

23 (F) Personnel, including planned and ac-  
24 tual staffing for the program office and for con-  
25 tractor and supporting organizations, including

1 for testing, nuclear certification, and civil engi-  
2 neering by the Air Force.

3 (G) Reliability, including growth plans and  
4 key milestones.

5 (2) COST.—

6 (A) IN GENERAL.—The following matrices  
7 relating to the cost of the ground-based stra-  
8 tegic deterrent weapon system:

9 (i) A matrix expressing, in six-month  
10 increments, the total cost for the engineer-  
11 ing and manufacturing development phase  
12 and low rate initial production lots of the  
13 ground-based strategic deterrent weapon  
14 system.

15 (ii) A matrix expressing the total cost  
16 for the prime contractor's estimate for the  
17 engineering and manufacturing develop-  
18 ment phase and production lots.

19 (B) PHASING AND SUBDIVISION OF MAT-  
20 RICES.—The matrices described in clauses (i)  
21 and (ii) of subparagraph (A) shall be—

22 (i) phased over the entire engineering  
23 and manufacturing development period;  
24 and

1 (ii) subdivided according to the costs  
2 of the primary subsystems in the ground-  
3 based strategic deterrent weapon system  
4 work breakdown structure.

5 (c) SEMI-ANNUAL UPDATES OF MATRICES.—Not  
6 later than 180 days after the date on which the Secretary  
7 submits the matrices described in subsection (b) for a year  
8 as required by subsection (a), the Secretary shall submit  
9 to the congressional defense committees and the Comp-  
10 troller General updates to the matrices.

11 (d) TREATMENT OF THE FIRST MATRICES AS BASE-  
12 LINE.—

13 (1) IN GENERAL.—The first set of matrices  
14 submitted under subsection (a) shall be treated as  
15 the baseline for the full engineering and manufac-  
16 turing development phase and low rate initial pro-  
17 duction of the ground-based strategic deterrent  
18 weapon system program for purposes of updates  
19 submitted under subsection (c) and subsequent mat-  
20 rices submitted under subsection (a).

21 (2) ELEMENTS.—After the submission of the  
22 first set of matrices required by subsection (a), each  
23 update submitted under subsection (c) and each sub-  
24 sequent set of matrices submitted under subsection  
25 (a) shall—

1 (A) clearly identify changes in key mile-  
2 stones, development events, and specific per-  
3 formance goals identified in the first set of mat-  
4 rices; and

5 (B) provide updated cost estimates.

6 (e) ASSESSMENT BY COMPTROLLER GENERAL OF  
7 THE UNITED STATES.—Not later than 60 days after re-  
8 ceiving the matrices described in subsection (b) for a year  
9 as required by subsection (a), the Comptroller General  
10 shall assess the acquisition progress made with respect to  
11 the ground-based strategic deterrent weapon system and  
12 brief the congressional defense committees on the results  
13 of that assessment.

14 (f) TERMINATION.—The requirements of this section  
15 shall terminate on the date that is one year after the  
16 ground-based strategic deterrent weapon system achieves  
17 initial operational capability.

18 **SEC. 1539. PROCUREMENT AUTHORITY FOR CERTAIN**  
19 **PARTS OF GROUND-BASED STRATEGIC DE-**  
20 **TERRENT CRYPTOGRAPHIC DEVICE.**

21 (a) IN GENERAL.—The Secretary of the Air Force  
22 may enter into contracts for the life-of-type procurement  
23 of covered parts supporting the KS-75 cryptographic de-  
24 vice under the ground-based strategic deterrent program.

1 (b) AVAILABILITY OF FUNDS.—Notwithstanding sec-  
2 tion 1502(a) of title 31, United States Code, of the  
3 amount authorized to be appropriated for fiscal year 2022  
4 by section 101 and available for Missile Procurement, Air  
5 Force, as specified in the funding table in section 4101,  
6 \$10,000,000 shall be available for the procurement of cov-  
7 ered parts pursuant to contracts entered into under sub-  
8 section (a).

9 (c) COVERED PARTS DEFINED.—In this section, the  
10 term “covered parts” means commercially available off-  
11 the-shelf items as defined in section 104 of title 41, United  
12 States Code.

13 **SEC. 1540. MISSION-DESIGN SERIES POPULAR NAME FOR**  
14 **GROUND-BASED STRATEGIC DETERRENT.**

15 (a) REQUIREMENT.—Not later than 30 days after the  
16 date of the enactment of this Act, the Secretary of the  
17 Air Force, in coordination with the Under Secretary of  
18 Defense for Acquisition and Sustainment, shall establish  
19 a mission-design series popular name for the ground-based  
20 strategic deterrent, consistent with the procedures set  
21 forth in Department of Defense Directive 4120.15 (relat-  
22 ing to designating and naming military aerospace vehi-  
23 cles).

24 (b) NOTIFICATION.—Not later than 10 days after  
25 completing the requirement under subsection (a), the Sec-

1 retary of the Air Force shall notify the congressional de-  
2 fense committees of the completion of the requirement.

3 **SEC. 1541. B-21 RAIDER NUCLEAR CAPABILITY AND INTE-**  
4 **GRATION WITH LONG-RANGE STANDOFF**  
5 **WEAPON.**

6 Not later than two years after declaration of initial  
7 operational capability for the long-range standoff weapon,  
8 the Secretary of the Air Force shall ensure that—

9 (1) all integration activities with the B-21  
10 Raider are completed; and

11 (2) the B-21 Raider will be operationally capa-  
12 ble of employing the long-range standoff weapon  
13 across all required mission scenarios.

14 **SEC. 1542. COMPTROLLER GENERAL STUDY AND UPDATED**  
15 **REPORT ON NUCLEAR WEAPONS CAPABILI-**  
16 **TIES AND FORCE STRUCTURE REQUIRE-**  
17 **MENTS.**

18 (a) **COMPTROLLER GENERAL STUDY REQUIRED.**—  
19 The Comptroller General of the United States shall con-  
20 duct a study on the strategic nuclear weapons capabilities,  
21 force structure, employment policy, and targeting require-  
22 ments of the Department of Defense.

23 (b) **MATTERS COVERED.**—The study conducted  
24 under subsection (a) shall, at minimum, consist of an up-  
25 date to the report of the Comptroller General entitled

1 “Strategic Weapons: Changes in the Nuclear Weapons  
2 Targeting Process Since 1991” (GAO–12–786R) and  
3 dated July 31, 2012, including covering any changes to—

4 (1) how the Department of Defense has as-  
5 sessed threats and modified its nuclear deterrence  
6 policy;

7 (2) targeting and employment guidance from  
8 the President, the Secretary of Defense, the Chair-  
9 man of the Joint Chiefs of Staff, and the Com-  
10 mander of United States Strategic Command;

11 (3) nuclear weapons planning and targeting, in-  
12 cluding categories and types of targets;

13 (4) strategic nuclear forces, including the stock-  
14 pile, force posture, and modernization;

15 (5) the level of civilian oversight;

16 (6) the relationship between targeting and re-  
17 quirements; and

18 (7) any other matters considered appropriate by  
19 the Comptroller General.

20 (c) REPORTING.—

21 (1) BRIEFING ON PRELIMINARY FINDINGS.—

22 Not later than March 31, 2022, the Comptroller  
23 General shall provide to the congressional defense  
24 committees a briefing on the preliminary findings of  
25 the study conducted under subsection (a).



1           (1) Reduce, or prepare to reduce, the respon-  
2           siveness or alert level of the intercontinental ballistic  
3           missiles of the United States.

4           (2) Reduce, or prepare to reduce, the quantity  
5           of deployed intercontinental ballistic missiles of the  
6           United State to a number less than 400.

7           (b) EXCEPTION.—The prohibition in subsection (a)  
8           shall not apply to the following activities:

9           (1) The maintenance, sustainment, or replace-  
10          ment of intercontinental ballistic missiles.

11          (2) Ensuring the safety, security, or reliability  
12          of intercontinental ballistic missiles.

13 **SEC. 1544. LIMITATION ON USE OF FUNDS UNTIL COMPLE-**  
14 **TION OF ANALYSIS OF ALTERNATIVES FOR**  
15 **NUCLEAR SEA-LAUNCHED CRUISE MISSILE.**

16          (a) IN GENERAL.—Not more than 90 percent of the  
17          funds authorized to be appropriated by this Act for fiscal  
18          year 2022 to the Office of the Under Secretary of Defense  
19          for Policy, for the purposes of operating the Office of the  
20          Assistant Secretary of Defense for Strategy, Plans, and  
21          Capabilities, may be obligated or expended until the Under  
22          Secretary provides a briefing to the congressional defense  
23          committees on—

24                 (1) the results of the analysis of alternatives for  
25                 the nuclear sea-launched cruise missile; and

1           (2) the analysis of the Director of Cost Assess-  
2           ment and Program Evaluation of the adequacy of  
3           that analysis of alternatives, conducted pursuant to  
4           section 139a(d)(4) of title 10, United States Code.

5           (b) REPORT REQUIRED.—Not later than April 1,  
6 2022, the Chairman of the Nuclear Weapons Council, in  
7 coordination with the Secretary of the Navy and the Ad-  
8 ministrator for Nuclear Security, shall provide a briefing  
9 to the congressional defense committees on the planned  
10 management structure for the joint missile and warhead  
11 development program.

12 **SEC. 1545. SENSE OF THE SENATE ON NATO SECURITY AND**  
13 **NUCLEAR COOPERATION BETWEEN THE**  
14 **UNITED STATES AND THE UNITED KINGDOM.**

15           It is the sense of the Senate that—

16           (1) the United States strategic nuclear deter-  
17           rent, and the independent strategic nuclear deter-  
18           rents of the United Kingdom and the French Repub-  
19           lic, are the supreme guarantee of the security of the  
20           North Atlantic Treaty Organization (commonly re-  
21           ferred to as “NATO”) and continue to underwrite  
22           peace and security for all members of the NATO al-  
23           liance;

24           (2) the security of the NATO alliance also relies  
25           upon nuclear sharing arrangements that predate,

1 and are fully consistent with, the Treaty on the  
2 Non-Proliferation of Nuclear Weapons, done at  
3 Washington, London, and Moscow July 1, 1968, and  
4 entered into force March 5, 1960 (commonly re-  
5 ferred to as the “Nuclear Non-Proliferation Trea-  
6 ty”);

7 (3) such arrangements provide for the forward  
8 deployment of United States nuclear weapons in Eu-  
9 rope, along with the supporting capabilities, infra-  
10 structure, and dual-capable aircraft dedicated to the  
11 delivery of United States nuclear weapons, provided  
12 by European NATO allies;

13 (4) in parallel to the independent commitments  
14 of the United States and the United Kingdom to the  
15 enduring security of NATO, the nuclear programs of  
16 the United States and the United Kingdom have en-  
17 joyed significant collaborative benefits as a result of  
18 the cooperative relationship formalized in the Agree-  
19 ment for Cooperation on the Uses of Atomic Energy  
20 for Mutual Defense Purposes, signed at Washington  
21 July 3, 1958, and entered into force August 4,  
22 1958, between the United States and the United  
23 Kingdom (commonly referred to as the “Mutual De-  
24 fense Agreement”);

1           (5) the unique partnership between the United  
2 States and the United Kingdom has enhanced sov-  
3 ereign military and scientific capabilities, strength-  
4 ened bilateral ties, and resulted in the sharing of  
5 costs;

6           (6) as the international security environment  
7 deteriorates and potential adversaries expand and  
8 enhance their nuclear forces, the extended deter-  
9 rence commitments of the United Kingdom play an  
10 increasingly important role in supporting the secu-  
11 rity interests of the United States and allies of the  
12 United States and the United Kingdom;

13           (7) additionally, the extension of the nuclear de-  
14 terrence commitments of the United Kingdom to  
15 members of the NATO alliance strengthens collective  
16 security while reducing the burden placed on United  
17 States nuclear forces to deter potential adversaries  
18 and assure allies of the United States;

19           (8) it is in the national security interest of the  
20 United States to support the United Kingdom with  
21 respect to the decision of the Government of the  
22 United Kingdom to maintain its nuclear forces to  
23 deter countries that are “significantly increasing and  
24 diversifying their nuclear arsenals” and “investing in  
25 novel nuclear technologies and developing new

1 ‘warfighting’ nuclear systems” that could threaten  
2 NATO allies, as outlined in the March 2021 report  
3 of the Government of the United Kingdom entitled,  
4 “Global Britain in a Competitive Age: The Inte-  
5 grated Review of Security, Defence, Development  
6 and Foreign Policy”;

7 (9) as the United States continues to modernize  
8 its aging nuclear forces to ensure its ability to con-  
9 tinue to field a nuclear deterrent that is safe, secure,  
10 and effective, the United Kingdom faces a similar  
11 challenge;

12 (10) bilateral cooperation on such programs as  
13 the Trident II D5 weapons system, the common mis-  
14 sile compartment for the future Dreadnought and  
15 Columbia classes of submarines, and the parallel de-  
16 velopment of the W93/Mk7 warhead of the United  
17 States and the replacement warhead of the United  
18 Kingdom, will allow the United States and the  
19 United Kingdom to responsibly address challenges  
20 within their legacy nuclear forces in a cost-effective  
21 manner that—

22 (A) meets national requirements and pre-  
23 serves independent, sovereign control;

1 (B) is consistent with each country's obli-  
2 gations under the Nuclear Non-Proliferation  
3 Treaty; and

4 (C) supports nonproliferation objectives;  
5 and

6 (11) continued cooperation between the nuclear  
7 programs of United States and the United Kingdom  
8 is essential to ensuring that the NATO alliance con-  
9 tinues to be supported by credible nuclear forces ca-  
10 pable of preserving peace, preventing coercion, and  
11 deterring aggression.

12 **SEC. 1546. SENSE OF THE SENATE ON MAINTAINING DIVER-**  
13 **SITY IN THE NUCLEAR WEAPONS STOCKPILE.**

14 (a) SENSE OF THE SENATE.—It is the sense of the  
15 Senate that—

16 (1) in order to ensure adequate confidence in  
17 the functionality of the United States nuclear weap-  
18 ons stockpile, the National Nuclear Security Admin-  
19 istration must maintain sufficient diversity in the  
20 designs and types of nuclear weapons it makes avail-  
21 able to the Department of Defense;

22 (2) the Department of Defense should leverage  
23 that diversity to field a force with an appropriate  
24 mix of capabilities and technological distinctiveness  
25 to ensure that the United States nuclear deterrent

1 remains capable of meeting military requirements,  
2 even during the unlikely event of a technical issue  
3 that renders one particular type of nuclear weapon  
4 temporarily or permanently unsuitable for deploy-  
5 ment; and

6 (3) accordingly, it is in the national security in-  
7 terest of the United States to maintain no fewer  
8 than two distinct types of deployed nuclear weapons  
9 per leg of the nuclear triad in order to ensure that  
10 no potential adversary, nor United States ally,  
11 doubts the continuing effectiveness of the United  
12 States nuclear deterrent.

13 (b) DEFINITIONS.—In this section:

14 (1) TYPES OF NUCLEAR WEAPONS.—The term  
15 “type”, with respect to nuclear weapons, means a  
16 unique configuration of nuclear explosive packages  
17 contained within a warhead or gravity bomb assem-  
18 bly.

19 (2) NUCLEAR TRIAD.—The term “nuclear  
20 triad” means the combination of platforms and de-  
21 livery systems that comprise the strategic nuclear  
22 forces of the United States, organized by domain  
23 (known as a “leg”), and consists of the following:

24 (A) For the land leg, LGM–30G Minute-  
25 man III intercontinental ballistic missiles, any

1 associated reentry vehicles, and the planned re-  
2 placement systems for such missiles and vehi-  
3 cles.

4 (B) For the sea leg, Ohio class fleet bal-  
5 listic missile submarines, UGM-133 Trident II  
6 submarine-launched ballistic missiles, any asso-  
7 ciated reentry vehicles, and the planned replace-  
8 ment systems for such submarines, missiles,  
9 and vehicles.

10 (C) For the air leg, B-52H Stratofortress  
11 long-range heavy bombers, B-2A Spirit stealth  
12 bombers, AGM-86B air-launched cruise mis-  
13 siles, and the planned replacement systems for  
14 such bombers and missiles.

15 **SEC. 1547. SENSE OF THE SENATE ON GROUND-BASED**  
16 **STRATEGIC DETERRENT.**

17 (a) FINDINGS.—Congress makes the following find-  
18 ings:

19 (1) The Minuteman III intercontinental ballistic  
20 missile in service as of the date of the enactment of  
21 this Act was first deployed in 1970, with a planned  
22 10-year service life.

23 (2) The Minuteman III force will begin experi-  
24 encing attrition and age-related component degrada-  
25 tion, resulting in the number of available interconti-

1        mental ballistic missiles falling below military re-  
2        quirement levels in the late 2020s.

3            (3) In a 2014 analysis of alternatives, the Air  
4        Force concluded that replacing the Minuteman III  
5        missile would provide necessary capabilities at lower  
6        cost when compared with extending the service life  
7        of the Minuteman III missile.

8            (4) The Director of Cost Assessment and Pro-  
9        gram Evaluation of the Department of Defense re-  
10       viewed and validated the Air Force's 2014 analysis  
11       of alternatives, stating, "We recommend moving ex-  
12       peditiously to a Milestone A decision to ensure the  
13       timely fielding of the future capability. Additionally,  
14       prompt action would demonstrate Air Force and  
15       DOD commitment to the following: the nuclear mis-  
16       sion to the Airmen serving in the field; our allies re-  
17       lying on our umbrella nuclear deterrent coverage;  
18       the American public who has been following recent  
19       news reports; and the world at large."

20            (5) In February, 2015, President Barack  
21       Obama's budget requested \$75,166,000 for a new  
22       program of record to develop a replacement for the  
23       Minuteman III intercontinental ballistic missile,  
24       named the ground-based strategic deterrent.

1           (6) In connection with the decision to begin the  
2 ground-based strategic deterrent program in 2015,  
3 the Department of Defense did not undertake new  
4 engineering and production efforts for components  
5 necessary to conduct a long-term life extension of  
6 the current Minuteman system.

7           (7) General Timothy Ray, former Commander  
8 of Air Force Global Strike Command, testified be-  
9 fore the Subcommittee on Strategic Forces of the  
10 Committee on Armed Services of the Senate on May  
11 12, 2021, that the most recent cost estimate indi-  
12 cates that attempting a long-term life extension of  
13 the Minuteman III system would—

14                   (A) cost \$38,000,000,000 more than the  
15 ground-based strategic deterrent program;

16                   (B) deliver a less-capable, less-secure, less-  
17 sustainable system; and

18                   (C) be unable to deliver life-extended sys-  
19 tems in time to offset age-related erosion of the  
20 Minuteman fleet, resulting in “a significant  
21 gap, in [intercontinental ballistic missile] capa-  
22 bility”.

23           (8) Since 2015, and during multiple presi-  
24 dential administrations, Congress has authorized

1 and appropriated more than \$2,800,000,000 to de-  
2 velop the ground-based strategic deterrent.

3 (9) The ground-based strategic deterrent pro-  
4 gram has been shown to be a cost-effective solution  
5 to maintain the land-based leg of the nuclear triad.

6 (10) The ground-based strategic deterrent pro-  
7 gram has been leading the efforts of the Department  
8 of Air Force at digital engineering able to run mil-  
9 lions of scenarios on the most cost-effective design  
10 and government-owned baseline.

11 (11) The ground-based strategic deterrent will  
12 provide the United States with a modern, reliable  
13 system capable of meeting emergent challenges while  
14 lowering sustainment costs and also improving safe-  
15 ty and security.

16 (12) The Air Force's comprehensive approach  
17 to the ground-based strategic deterrent will also ad-  
18 dress aging infrastructure and modernize nuclear  
19 command and control capabilities associated with  
20 the intercontinental ballistic missile fleet, much of  
21 which remains predominantly unchanged since the  
22 1960s.

23 (13) The marked erosion of global security con-  
24 ditions and continued increase in the quantity and  
25 quality of foreign nuclear arsenals reinforces the

1        need to modernize the United States nuclear deter-  
2        rent, including the land-based leg of the nuclear  
3        triad.

4        (b) SENSE OF THE SENATE.—It is the sense of the  
5        Senate that—

6            (1) intercontinental ballistic missiles are a criti-  
7        cal component of the United States nuclear deter-  
8        rent, providing the ability to hedge between legs of  
9        the nuclear triad in the case of a component-wide  
10       failure in another leg;

11           (2) the continued development of the ground-  
12       based strategic deterrent system, and its eventual re-  
13       placement of the Minuteman III intercontinental  
14       ballistic missile, is needed to maintain an effective  
15       intercontinental ballistic missile capability into the  
16       future;

17           (3) ensuring the continued effectiveness of the  
18       United States nuclear deterrent through moderniza-  
19       tion programs such as the ground-based strategic  
20       deterrent may also increase opportunities for effec-  
21       tive arms control in the future by enhancing the con-  
22       fidence of the United States in the sustainability and  
23       effectiveness of each leg of the triad, once replaced  
24       with modern equivalents; and

1           (4) it is in the national security interests of the  
2 United States that the Department of Defense  
3 prioritize an effective and cost-efficient execution of  
4 the ground-based strategic deterrent program before  
5 the retirement of the Minuteman III intercontinental  
6 ballistic missile in the mid-2030s.

7           **Subtitle D—Missile Defense**  
8           **Programs**

9 **SEC. 1551. AUTHORITY TO DEVELOP AND DEPLOY NEXT**  
10 **GENERATION INTERCEPTOR FOR MISSILE**  
11 **DEFENSE OF THE UNITED STATES HOME-**  
12 **LAND.**

13           (a) **AUTHORITY.**—Subject to the availability of ap-  
14 propriations, the Director of the Missile Defense Agency  
15 may develop a highly reliable interceptor with volume-kill  
16 capabilities for the Ground-based Midcourse Defense sys-  
17 tem using sound acquisition practices, as outlined in the  
18 Government Accountability Office report, “Observations  
19 on Ground-based Midcourse Defense Acquisitions Chal-  
20 lenges and Potential Contract Strategy Changes” (GAO-  
21 21-135R), including—

22           (1) emphasizing the use of high technology  
23 readiness level components and software across the  
24 system to reduce program risk;

1           (2) conducting critical parts testing of the Next  
2           Generation Interceptor prior to the preliminary de-  
3           sign review in order to maximize reliability,  
4           producibility, and manufacturability;

5           (3) commencing rigorous flight testing of the  
6           Next Generation Interceptor when essential compo-  
7           nents reach a technology readiness level of seven or  
8           higher;

9           (4) completing at least two successful intercept  
10          flight tests before starting the first lot of production  
11          of the Next Generation Interceptor; and

12          (5) to the maximum extent practicable, pro-  
13          moting industrial base competition via the use of  
14          multiple vendors through the Next Generation Inter-  
15          ceptor program's critical design review to maximize  
16          government return on investment.

17          (b) PLAN.—If the Director exercises the authority  
18          provided by subsection (a), the Director shall develop a  
19          funding plan that includes funding lines across the future  
20          years defense program for the Next Generation Inter-  
21          ceptor that—

22                (1) produces and begins deployment of the Next  
23                Generation Interceptor as early as practicable after  
24                the date on which the Director completes carrying

1 out the acquisition practices described in subsection  
2 (a);

3 (2) includes acquiring at least 20 operational  
4 Next Generation Interceptors to fill silos currently  
5 empty in the ground-based interceptor inventory;  
6 and

7 (3) includes transition plans to replace the cur-  
8 rent inventory of silo-based boosters with follow-on  
9 systems prior to the end of their useful lifecycle.

10 (c) REPORT ON FUNDING PROFILE.—The Director  
11 shall include with the budget justification materials sub-  
12 mitted to Congress in support of the budget of the Depart-  
13 ment of Defense for fiscal year 2023 (as submitted with  
14 the budget of the President under section 1105(a) of title  
15 31, United States Code) a report on the funding profile  
16 necessary for the Next Generation Interceptor program to  
17 exercise the authority provided by subsection (a).

18 (d) CONGRESSIONAL NOTIFICATION OF CANCELLA-  
19 TION REQUIREMENT.—

20 (1) IN GENERAL.—Not later than 30 days prior  
21 to any final decision to cancel the Next Generation  
22 Interceptor program, the Director shall brief the  
23 Committee on Armed Services of the Senate and the  
24 Committee on Armed Services of the House of Rep-  
25 resentatives of such decision.

1           (2) ELEMENTS.—A briefing under paragraph  
2           (1) shall include the following:

3                   (A) A justification for the cancellation de-  
4           cision.

5                   (B) An analysis of the national security  
6           risk being accepted due to the cancellation deci-  
7           sion.

8 **SEC. 1552. ANNUAL RELIABILITY TESTING FOR THE NEXT**  
9                   **GENERATION INTERCEPTOR.**

10           (a) ANNUAL FLIGHT TESTS REQUIRED.—The Direc-  
11           tor of the Missile Defense Agency shall—

12                   (1) ensure that the Next Generation Interceptor  
13           program establishes a process for conducting annual  
14           flight tests to evaluate the reliability of the system  
15           after the system reaches initial operational capa-  
16           bility; and

17                   (2) ensure that such annual reliability testing  
18           begins not more than five years after declaration of  
19           initial operational capability for the Next Generation  
20           Interceptor.

21           (b) REPORT.—Not later than the date of approval for  
22           the Next Generation Interceptor program to enter the pro-  
23           duction phase of its acquisition process, the Director of  
24           the Missile Defense Agency shall submit to the Committee  
25           on Armed Services of the Senate and the Committee on

1 Armed Services of the House of Representatives a report  
2 outlining estimated annual costs for conducting annual,  
3 operationally relevant flight testing to evaluate the reli-  
4 ability of the system developed under such program, in-  
5 cluding associated production costs for procuring suffi-  
6 cient flight systems to support such testing for the pro-  
7 jected life of the system.

8 (c) WAIVER.—

9 (1) IN GENERAL.—The Secretary of Defense  
10 may, on an annual basis, waive the testing require-  
11 ment in subsection (a), if the Secretary determines  
12 that the conduct of such a test in a given year will  
13 have an unacceptably adverse effect on the oper-  
14 ational readiness of the Ballistic Missile Defense  
15 System.

16 (2) NOTICE.—If, pursuant to paragraph (1),  
17 the Secretary waives the requirement in subsection  
18 (a), the Secretary shall, not later than August 1 of  
19 each fiscal year in which a test required by sub-  
20 section (a) will not occur, submit to the Committee  
21 on Armed Services of the Senate and the Committee  
22 on Armed Services of the House of Representatives  
23 a notice, in writing, of such waiver.

1 **SEC. 1553. NEXT GENERATION INTERCEPTOR DEVELOP-**  
2 **MENT PROGRAM ACCOUNTABILITY MAT-**  
3 **RICES.**

4 (a) **IN GENERAL.**—Concurrent with the submission  
5 to Congress of the budget of the President for fiscal year  
6 2023 and each fiscal year thereafter pursuant to section  
7 1105(a) of title 31, United States Code, the Director of  
8 the Missile Defense Agency shall submit to the congres-  
9 sional defense committees and the Comptroller General of  
10 the United States the matrices described in subsection (b)  
11 relating to the Next Generation Interceptor weapon sys-  
12 tem.

13 (b) **MATRICES DESCRIBED.**—The matrices described  
14 in this subsection are the following:

15 (1) **TECHNOLOGY AND PRODUCT DEVELOPMENT**  
16 **GOALS.**—A matrix that identifies, in six-month in-  
17 crements, key milestones, development events, and  
18 specific performance goals for the technology devel-  
19 opment phase and product development phase of the  
20 Next Generation Interceptor weapon system, which  
21 shall be subdivided, at a minimum, according to the  
22 following:

23 (A) Technology maturity, including tech-  
24 nology readiness levels of major interceptor  
25 components and key demonstration events lead-  
26 ing to full maturity.

1 (B) Design maturity, including key events  
2 and metrics, at the interceptor all up round  
3 level and subsystem level and for the ground  
4 system.

5 (C) Parts testing, including key events and  
6 metrics for vetting parts and components  
7 through a parts, materials, and processes mis-  
8 sion assurance plan.

9 (D) Software maturity, including key  
10 events and metrics, at the all up round level  
11 and subsystem level for the interceptor and for  
12 the ground system.

13 (E) Manufacturing maturity, including  
14 manufacturing readiness levels for critical man-  
15 ufacturing operations and key demonstration  
16 events.

17 (F) Schedule, with respect to key program  
18 milestones, critical path events, and margins.

19 (G) Reliability, including growth plans and  
20 key milestones.

21 (H) Testing and cybersecurity, including  
22 developmental and operational ground and  
23 flight test planning, execution, and evaluation.

1 (I) Any other technology and product de-  
2 velopment goals the Director determines to be  
3 appropriate.

4 (2) COST.—

5 (A) IN GENERAL.—The following matrices  
6 relating to the cost of the Next Generation In-  
7 terceptor weapon system:

8 (i) A matrix expressing, in six-month  
9 increments, the total cost for the tech-  
10 nology development, product development,  
11 and initial production phases.

12 (ii) A matrix expressing the total cost  
13 for each of the contractors' estimates for  
14 the technology development, product devel-  
15 opment, and initial production phases.

16 (B) PHASING AND SUBDIVISION OF MAT-  
17 RICES.—The matrices described in clauses (i)  
18 and (ii) of subparagraph (A) shall be—

19 (i) phased over the entire technology  
20 development, product development, and ini-  
21 tial production phases; and

22 (ii) subdivided according to the costs  
23 of the primary subsystems in the next Gen-  
24 eration Interceptor weapon system work  
25 breakdown structure.

1           (3) STAKEHOLDER AND INDEPENDENT RE-  
2           VIEWS.—A matrix that identifies, in six-month incre-  
3           ments, plans and status for coordinating products  
4           and obtaining independent reviews for the Next Gen-  
5           eration Interceptor weapon system, which shall be  
6           grouped by development phase and subdivided ac-  
7           cording to the following:

8           (A) Performance requirements, including—

9                   (i) coordinating, updating, and obtain-  
10                  ing approval of the top-level requirements  
11                  document; and

12                   (ii) coordinating system level perform-  
13                  ance attributes with the Commander of  
14                  United States Strategic Command.

15           (B) Intelligence inputs, processes, and  
16           products, including—

17                   (i) coordinating, updating, and vali-  
18                  dating the homeland ballistic missile de-  
19                  fense validated online lifecycle threat with  
20                  the Director of the Defense Intelligence  
21                  Agency; and

22                   (ii) coordinating and obtaining ap-  
23                  proval of a lifecycle mission data plan.

24           (C) Independent assessments, including ob-  
25           taining an initial and updated—

- 1 (i) independent technical risk assess-  
2 ment;
- 3 (ii) independent cost estimate; and  
4 (iii) capability and utility assessment.
- 5 (D) Models and simulations, including—
- 6 (i) obtaining accreditation of inter-  
7 ceptor models and simulations at both the  
8 all up round level and subsystem level from  
9 the Ballistic Missile Defense Operational  
10 Test Agency;
- 11 (ii) obtaining certification of threat  
12 models used for interceptor ground test  
13 from the Ballistic Missile Defense Oper-  
14 ational Test Agency; and
- 15 (iii) obtaining accreditation from the  
16 Director of the Defense Intelligence Agen-  
17 cy on all threat models, simulations, and  
18 associated data used to support interceptor  
19 development.
- 20 (E) Capability transfer, including estab-  
21 lishment of a hybrid program office, lead mili-  
22 tary department designation, and transfer  
23 agreement.

1 (F) Sustainability and obsolescence, includ-  
2 ing coordinating and obtaining approval of a  
3 lifecycle sustainment plan.

4 (G) Cybersecurity, including coordinating  
5 and obtaining approval of a cybersecurity strat-  
6 egy.

7 (c) FORM.—The matrices submitted under subsection  
8 (b) shall be in unclassified form, but may contain a classi-  
9 fied annex.

10 (d) SEMIANNUAL UPDATES OF MATRICES.—Not  
11 later than 180 days after the date on which the Director  
12 submits the matrices described in subsection (b) for a year  
13 as required by subsection (a), the Director shall submit  
14 to the congressional defense committees and the Comp-  
15 troller General updates to the matrices.

16 (e) TREATMENT OF THE FIRST MATRICES AS BASE-  
17 LINE.—

18 (1) IN GENERAL.—The first set of matrices  
19 submitted under subsection (a) shall be treated as  
20 the baseline for the full technology development,  
21 product development, and initial production phases  
22 of the Next Generation Interceptor weapon system  
23 program for purposes of updates submitted under  
24 subsection (d) and subsequent matrices submitted  
25 under subsection (a).

1           (2) ELEMENTS.—After the submission of the  
2 first set of matrices required by subsection (a), each  
3 update submitted under subsection (d) and each  
4 subsequent set of matrices submitted under sub-  
5 section (a) shall—

6           (A) clearly identify changes in key mile-  
7 stones, development events, and specific per-  
8 formance goals identified in the first set of mat-  
9 rices under subsection (b)(1);

10           (B) provide updated cost estimates under  
11 subsection (b)(2); and

12           (C) provide updated plans and status  
13 under subsection (b)(3).

14       (f) ASSESSMENT BY COMPTROLLER GENERAL OF  
15 THE UNITED STATES.—Not later than 60 days after re-  
16 ceiving the matrices described in subsection (b) for a year  
17 as required by subsection (a), the Comptroller General  
18 shall assess the acquisition progress made with respect to  
19 the Next Generation Interceptor weapon system and brief  
20 the congressional defense committees on the results of  
21 that assessment.

22       (g) TERMINATION.—The requirements of this section  
23 shall terminate on the date that is one year after the Next  
24 Generation Interceptor weapon system achieves initial pro-  
25 duction.

1 **SEC. 1554. EXTENSION OF PERIOD FOR TRANSITION OF**  
2 **BALLISTIC MISSILE DEFENSE PROGRAMS TO**  
3 **MILITARY DEPARTMENTS.**

4 Section 1676(b)(1) of the National Defense Author-  
5 ization Act for Fiscal Year 2018 (Public Law 115–91; 10  
6 U.S.C. 2431 note) is amended by striking “the date on  
7 which the budget of the President for fiscal year 2021 is  
8 submitted under section 1105 of title 31, United States  
9 Code,” and inserting, “October 1, 2023”.

10 **SEC. 1555. IRON DOME SHORT-RANGE ROCKET DEFENSE**  
11 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**  
12 **DEFENSE PROGRAM CO-DEVELOPMENT AND**  
13 **CO-PRODUCTION.**

14 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE  
15 SYSTEM.—

16 (1) AVAILABILITY OF FUNDS.—Of the funds  
17 authorized to be appropriated by this Act for fiscal  
18 year 2022 for procurement, Defense-wide, and avail-  
19 able for the Missile Defense Agency, not more than  
20 \$108,000,000 may be provided to the Government of  
21 Israel to procure components for the Iron Dome  
22 short-range rocket defense system through co-pro-  
23 duction of such components in the United States by  
24 industry of the United States.

25 (2) CONDITIONS.—

1           (A) AGREEMENT.—Funds described in  
2 paragraph (1) for the Iron Dome short-range  
3 rocket defense program shall be available sub-  
4 ject to the terms and conditions in the Agree-  
5 ment Between the Department of Defense of  
6 the United States of America and the Ministry  
7 of Defense of the State of Israel Concerning  
8 Iron Dome Defense System Procurement,  
9 signed on March 5, 2014, as amended to in-  
10 clude co-production for Tamir interceptors.

11           (B) CERTIFICATION.—Not later than 30  
12 days prior to the initial obligation of funds de-  
13 scribed in paragraph (1), the Under Secretary  
14 of Defense for Acquisition and Sustainment  
15 shall submit to the appropriate congressional  
16 committees—

17           (i) a certification that the amended bi-  
18 lateral international agreement specified in  
19 subparagraph (A) is being implemented as  
20 provided in such agreement;

21           (ii) an assessment detailing any risks  
22 relating to the implementation of such  
23 agreement; and

24           (iii) for system improvements result-  
25 ing in modified Iron Dome components

1                   and Tamir interceptor sub-components, a  
2                   certification that the Government of Israel  
3                   has demonstrated successful completion of  
4                   Production Readiness Reviews, including  
5                   the validation of production lines, the  
6                   verification of component conformance,  
7                   and the verification of performance to  
8                   specification as defined in the Iron Dome  
9                   Defense System Procurement Agreement,  
10                  as further amended.

11               (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-  
12 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-  
13 TION.—

14               (1) IN GENERAL.—Subject to paragraph (3), of  
15               the funds authorized to be appropriated for fiscal  
16               year 2022 for procurement, Defense-wide, and avail-  
17               able for the Missile Defense Agency not more than  
18               \$30,000,000 may be provided to the Government of  
19               Israel to procure the David's Sling Weapon System,  
20               including for co-production of parts and components  
21               in the United States by United States industry.

22               (2) AGREEMENT.—Provision of funds specified  
23               in paragraph (1) shall be subject to the terms and  
24               conditions in the bilateral co-production agreement,  
25               including—

1 (A) a one-for-one cash match is made by  
2 Israel or in another matching amount that oth-  
3 erwise meets best efforts (as mutually agreed to  
4 by the United States and Israel); and

5 (B) co-production of parts, components,  
6 and all-up rounds (if appropriate) in the United  
7 States by United States industry for the Da-  
8 vid's Sling Weapon System is not less than 50  
9 percent.

10 (3) CERTIFICATION AND ASSESSMENT.—The  
11 Under Secretary of Defense for Acquisition and  
12 Sustainment shall submit to the appropriate con-  
13 gressional committees—

14 (A) a certification that the Government of  
15 Israel has demonstrated the successful comple-  
16 tion of the knowledge points, technical mile-  
17 stones, and production readiness reviews re-  
18 quired by the research, development, and tech-  
19 nology agreement and the bilateral co-produc-  
20 tion agreement for the David's Sling Weapon  
21 System; and

22 (B) an assessment detailing any risks re-  
23 lating to the implementation of such agreement.

1 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-  
2 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM  
3 CO-PRODUCTION.—

4 (1) IN GENERAL.—Subject to paragraph (2), of  
5 the funds authorized to be appropriated for fiscal  
6 year 2022 for procurement, Defense-wide, and avail-  
7 able for the Missile Defense Agency not more than  
8 \$62,000,000 may be provided to the Government of  
9 Israel for the Arrow 3 Upper Tier Interceptor Pro-  
10 gram, including for co-production of parts and com-  
11 ponents in the United States by United States in-  
12 dustry.

13 (2) CERTIFICATION.—The Under Secretary of  
14 Defense for Acquisition and Sustainment shall sub-  
15 mit to the appropriate congressional committees a  
16 certification that—

17 (A) the Government of Israel has dem-  
18 onstrated the successful completion of the  
19 knowledge points, technical milestones, and pro-  
20 duction readiness reviews required by the re-  
21 search, development, and technology agreement  
22 for the Arrow 3 Upper Tier Interceptor Pro-  
23 gram;

24 (B) funds specified in paragraph (1) will  
25 be provided on the basis of a one-for-one cash

1 match made by Israel or in another matching  
2 amount that otherwise meets best efforts (as  
3 mutually agreed to by the United States and  
4 Israel);

5 (C) the United States has entered into a  
6 bilateral international agreement with Israel  
7 that establishes, with respect to the use of such  
8 funds—

9 (i) in accordance with subparagraph  
10 (D), the terms of co-production of parts  
11 and components on the basis of the great-  
12 est practicable co-production of parts, com-  
13 ponents, and all-up rounds (if appropriate)  
14 by United States industry and minimizes  
15 nonrecurring engineering and facilitization  
16 expenses to the costs needed for co-produc-  
17 tion;

18 (ii) complete transparency on the re-  
19 quirement of Israel for the number of  
20 interceptors and batteries that will be pro-  
21 cured, including with respect to the pro-  
22 curement plans, acquisition strategy, and  
23 funding profiles of Israel;

1 (iii) technical milestones for co-pro-  
2 duction of parts and components and pro-  
3 curement;

4 (iv) a joint affordability working  
5 group to consider cost reduction initiatives;  
6 and

7 (v) joint approval processes for third-  
8 party sales; and

9 (D) the level of co-production described in  
10 subparagraph (C)(i) for the Arrow 3 Upper  
11 Tier Interceptor Program is not less than 50  
12 percent.

13 (d) NUMBER.—In carrying out paragraph (2) of sub-  
14 section (b) and paragraph (2) of subsection (c), the Under  
15 Secretary may submit—

16 (1) one certification covering both the David's  
17 Sling Weapon System and the Arrow 3 Upper Tier  
18 Interceptor Program; or

19 (2) separate certifications for each respective  
20 system.

21 (e) TIMING.—The Under Secretary shall submit to  
22 the congressional defense committees the certification and  
23 assessment under subsection (b)(3) and the certification  
24 under subsection (c)(2) no later than 30 days before the  
25 funds specified in paragraph (1) of subsections (b) and

1 (c) for the respective system covered by the certification  
2 are provided to the Government of Israel.

3 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
4 FINED.—In this section, the term “appropriate congress-  
5 sional committees” means the following:

6 (1) The congressional defense committees.

7 (2) The Committee on Foreign Relations of the  
8 Senate and the Committee on Foreign Affairs of the  
9 House of Representatives.

10 **SEC. 1556. SEMIANNUAL UPDATES ON MEETINGS HELD BY**  
11 **THE MISSILE DEFENSE EXECUTIVE BOARD.**

12 (a) SEMIANNUAL UPDATES.—Not later than March  
13 1 and September 1 of each year, the Under Secretary of  
14 Defense for Research and Engineering and the Under Sec-  
15 retary of Defense for Acquisition and Sustainment, acting  
16 in their capacities as co-chairmen of the Missile Defense  
17 Executive Board pursuant to section 1681(c) of the John  
18 S. McCain National Defense Authorization Act for Fiscal  
19 Year 2019 (Public Law 115–232; 132 Stat. 2162), shall  
20 provide to the congressional defense committees a semi-  
21 annual update including, with respect to the six-month pe-  
22 riod preceding the update—

23 (1) the dates on which the Board met; and

24 (2) except as provided by subsection (b), a sum-  
25 mary of any decisions made by the Board at each

1 meeting of the Board and the rationale for and op-  
2 tions that informed such decisions.

3 (b) EXCEPTION FOR CERTAIN BUDGETARY MAT-  
4 TERS.—The co-chairmen shall not be required to include  
5 in a semiannual update under subsection (a) the matters  
6 described in paragraph (2) of such subsection with respect  
7 to decisions of the Board relating to the budget of the  
8 President for a fiscal year if the budget for that fiscal  
9 year has not been submitted to Congress under section  
10 1105 of title 31, United States Code, as of the date of  
11 the semiannual update.

12 (c) FORM OF UPDATE.—The co-chairmen may pro-  
13 vide a semiannual update under subsection (a) either in  
14 the form of a briefing or a written report.

15 **SEC. 1557. INDEPENDENT STUDY OF DEPARTMENT OF DE-**  
16 **FENSE COMPONENTS' ROLES AND RESPON-**  
17 **SIBILITIES RELATING TO MISSILE DEFENSE.**

18 (a) INDEPENDENT STUDY AND REPORT.—

19 (1) CONTRACT.—Not later than 30 days after  
20 the date of the enactment of this Act, the Secretary  
21 of Defense shall seek to enter into a contract with  
22 the National Academy of Public Administration (in  
23 this section referred to as the “Academy”) for the  
24 Academy to perform the services covered by this  
25 subsection.

1           (2) STUDY AND REPORT.—(A) Under an agree-  
2           ment between the Secretary and the Academy under  
3           this subsection, the Academy shall carry out an  
4           study regarding the roles and responsibilities of the  
5           various components of the Department of Defense as  
6           they pertain to missile defense.

7           (B) The study required by subparagraph (A)  
8           shall include the following:

9                   (i) A comprehensive assessment and anal-  
10                  ysis of existing Department component roles  
11                  and responsibilities for the full range of missile  
12                  defense activities, including establishment of re-  
13                  quirements, research and development, system  
14                  acquisition, and operations.

15                  (ii) Identification of gaps in component ca-  
16                  pability of each applicability component for per-  
17                  forming its assigned missile defense roles and  
18                  responsibilities.

19                  (iii) Identification of opportunities for  
20                  deconflicting mission sets, eliminating areas of  
21                  unnecessary duplication, reducing waste, and  
22                  improving efficiency across the full range of  
23                  missile defense activities.

1                   (iv) Development of a timetable for the im-  
2                   plementation of the opportunities identified  
3                   under clause (iii).

4                   (v) Development of recommendations for  
5                   such legislative or administrative action as the  
6                   Academy considers appropriate pursuant to car-  
7                   rying out clauses (i) through (iv).

8                   (vi) Such other matters as the Secretary  
9                   may require.

10                  (C)(i) Not later than one year after the date on  
11                  which the Secretary and the Academy enter into a  
12                  contract under paragraph (1), the Academy shall  
13                  submit to the Secretary and the congressional de-  
14                  fense committees a report on the study conducted  
15                  under subparagraph (A) of this paragraph.

16                  (ii) The report submitted under clause (i) shall  
17                  include the findings of the Academy with respect to  
18                  the study carried out under subparagraph (A) and  
19                  any recommendations the Academy may have for  
20                  legislative or administrative action pursuant to such  
21                  study.

22                  (3) ALTERNATE CONTRACT ORGANIZATION.—  
23                  (A) If the Secretary is unable within the time period  
24                  prescribed in paragraph (1) to enter into an agree-  
25                  ment described in such paragraph with the Academy

1 on terms acceptable to the Secretary, the Secretary  
2 shall seek to enter into such an agreement with an-  
3 other appropriate organization that—

4 (i) is not part of the Government;

5 (ii) operates as a not-for-profit entity; and

6 (iii) has expertise and objectivity com-  
7 parable to that of the Academy.

8 (B) If the Secretary enters into an agreement  
9 with another organization as described in subpara-  
10 graph (A), any reference in this subsection to the  
11 Academy shall be treated as a reference to the other  
12 organization.

13 (b) REPORT BY SECRETARY OF DEFENSE.—Not  
14 later than 120 days after the date on which the report  
15 is submitted pursuant to subsection (a)(2)(C), the Sec-  
16 retary shall submit to the congressional defense commit-  
17 tees a report on the views of the Secretary on the findings  
18 and recommendations set forth in the report submitted  
19 under such subsection, together with such recommenda-  
20 tions as the Secretary may have for changes in the struc-  
21 ture, functions, responsibilities, and authorities of the De-  
22 partment.

1           **TITLE XVI—CYBERSPACE-**  
2                   **RELATED MATTERS**

3   **SEC. 1601. MATTERS CONCERNING CYBER PERSONNEL RE-**  
4                   **QUIREMENTS.**

5           (a) IN GENERAL.—The Secretary of Defense shall—

6                   (1) determine the overall workforce requirement  
7           of the Department of Defense for cyber and infor-  
8           mation operation military personnel across the active  
9           and reserve components of the Armed Forces (other  
10          than the Coast Guard) and for civilian personnel,  
11          and in doing so shall—

12                   (A) consider personnel in positions secur-  
13           ing the Department of Defense Information  
14           Network and associated enterprise information  
15           technology, defense agencies and field activities,  
16           and combatant commands, including current  
17           billets primarily associated with the information  
18           environment and cyberspace domain and pro-  
19           jected future billets;

20                   (B) consider the mix between military and  
21           civilian personnel, active and reserve compo-  
22           nents, and the use of the National Guard;

23                   (C) develop a workforce development plan  
24           that covers accessions, training, and education;  
25           and

1 (D) consider such other elements as the  
2 Secretary determines appropriate;

3 (2) assess current and future general informa-  
4 tion warfare and cyber education curriculum and re-  
5 quirements for military and civilian personnel, in-  
6 cluding—

7 (A) acquisition personnel;

8 (B) accessions and recruits to the military  
9 services;

10 (C) cadets and midshipmen at the military  
11 service academies and enrolled in the Senior  
12 Reserve Officers' Training Corps;

13 (D) information environment and cyber-  
14 space military and civilian personnel; and

15 (E) non-information environment and  
16 cyberspace military and civilian personnel;

17 (3) identify appropriate locations for informa-  
18 tion warfare and cyber education for military and ci-  
19 vilian personnel, including—

20 (A) the military service academies;

21 (B) the educational institutions described  
22 in section 2151(b) of title 10, United States  
23 Code;

24 (C) the Air Force Institute of Technology;

25 (D) the National Defense University;

1 (E) the Joint Special Operations Univer-  
2 sity;

3 (F) any other military educational institu-  
4 tion of the Department specified by the Sec-  
5 retary for purposes of this section;

6 (G) the Cyber Centers of Academic Excel-  
7 lence certified jointly by the National Security  
8 Agency and the Department of Homeland Secu-  
9 rity; and

10 (H) potential future educational institu-  
11 tions of the Federal Government, including an  
12 assessment, in consultation with the Secretary  
13 of Homeland Security and the National Cyber  
14 Director, of the feasibility and advisability of a  
15 National Cyber Academy or similar institute  
16 created for the purpose of educating and train-  
17 ing civilian and military personnel for service in  
18 cyber, information, and related fields through-  
19 out the Federal Government; and

20 (4) determine—

21 (A) whether the cyberspace domain and in-  
22 formation warfare mission requires a graduate-  
23 level professional military education college on  
24 par with and distinct from the war colleges for  
25 the Army, Navy, and Air Force in effect on the

1 day before the date of the enactment of this  
2 Act;

3 (B) whether such a college should be joint;  
4 and

5 (C) where it should be located.

6 (b) REPORT REQUIRED.—Not later than November  
7 1, 2022, the Secretary shall provide the Committee on  
8 Armed Services of the Senate and the Committee on  
9 Armed Services of the House of Representatives a briefing  
10 and, not later than Jan 1, 2023, the Secretary shall sub-  
11 mit to such committees a report on—

12 (1) the findings of the Secretary in carrying out  
13 subsection (a);

14 (2) an implementation plan to achieve future  
15 information warfare and cyber education require-  
16 ments at appropriate locations;

17 (3) such recommendations as the Secretary may  
18 have for personnel needs in information warfare and  
19 the cyberspace domain; and

20 (4) such legislative or administrative action as  
21 the Secretary identifies as necessary to effectively  
22 meet cyber personnel requirements.

23 (c) EDUCATION DEFINED.—The term “education”  
24 includes formal education requirements, such as degrees

1 and certification in targeted subject areas, but also gen-  
2 eral training, including—

3 (1) reskilling;

4 (2) knowledge, skills, and abilities; and

5 (3) nonacademic professional development.

6 **SEC. 1602. CYBER DATA MANAGEMENT.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of the enactment of this Act, the Secretary of De-  
9 fense, acting through the Principal Cyber Advisor to the  
10 Secretary of Defense, and the Chief Information Officer  
11 of the Department of Defense shall—

12 (1) develop a strategy and plan to access and  
13 utilize data associated with the Department of De-  
14 fense Information Network enterprise that can sup-  
15 port offensive and defensive cyber operations from  
16 components of the Department other than the Cyber  
17 Mission Forces, such as the National Security Agen-  
18 cy, counterintelligence components of the Depart-  
19 ment, and cybersecurity service providers;

20 (2) develop processes or operating procedures  
21 governing the ingest, structuring, and storage of in-  
22 telligence data, cyber threat information and De-  
23 partment of Defense Information Network sensor,  
24 tool, routing infrastructure, and endpoint data in  
25 Big Data Platform instances, relevant Cyber Oper-

1 ations Force systems, relevant United States Cyber  
2 Command commercial cloud enclaves, and other De-  
3 partment of Defense data lakes containing informa-  
4 tion pertinent to United States Cyber Command  
5 missions; and

6 (3) develop a strategy for piloting efforts, devel-  
7 opment of operational workflows and tactics, tech-  
8 niques, and procedures for the operational use of  
9 mission data by the Cyber Operations Force.

10 (b) ROLES AND RESPONSIBILITIES.—Not later than  
11 270 days after the date of the enactment of this Act, the  
12 Secretary of Defense, acting through the Principal Cyber  
13 Advisor to the Secretary, the Commander of United States  
14 Cyber Command, and the Secretaries of the military de-  
15 partments, shall establish the specific roles and respon-  
16 sibilities of the following in implementing each of the tasks  
17 required by subsection (a):

18 (1) The United States Cyber Command.

19 (2) Program offices responsible for the compo-  
20 nents of the Joint Cyber Warfighting Architecture.

21 (3) The military services.

22 (4) The Department of Defense Chief Informa-  
23 tion Officer and Chief Data Officer.

1           (5) Any other program office, headquarters ele-  
2           ment, or operational component newly instantiated  
3           or deemed relevant by the Secretary.

4           (c) BRIEFING.—Not later than 300 days after the  
5           date of the enactment of this Act, the Secretary shall pro-  
6           vide to the congressional defense committees a briefing on  
7           the roles and responsibilities established under subsection  
8           (b).

9           **SEC. 1603. ASSIGNMENT OF CERTAIN BUDGET CONTROL**  
10                           **RESPONSIBILITIES TO COMMANDER OF**  
11                           **UNITED STATES CYBER COMMAND.**

12           (a) ASSIGNMENT OF RESPONSIBILITIES.—

13           (1) IN GENERAL.—The Commander of United  
14           States Cyber Command shall, subject to the author-  
15           ity, direction, and control of the Principal Cyber Ad-  
16           visor of the Department of Defense, be responsible  
17           for directly controlling and managing the planning,  
18           programming, budgeting, and execution of the re-  
19           sources to train, equip, operate, and sustain the  
20           Cyber Mission Forces.

21           (2) EFFECTIVE DATE AND APPLICABILITY.—  
22           Paragraph (1) shall take effect on January 1, 2022,  
23           for control over budget execution, and shall apply  
24           with respect to planning, programming, budgeting,

1 and execution of resources for fiscal year 2024 and  
2 each fiscal year thereafter.

3 (b) ELEMENTS.—

4 (1) IN GENERAL.—The responsibilities assigned  
5 to the Commander by subsection (a)(1) shall include  
6 the following:

7 (A) Preparation of a program objective  
8 memorandum and budget estimate submission  
9 for the resources required to train, equip, oper-  
10 ate, and sustain the Cyber Mission Forces.

11 (B) Preparation of budget materials per-  
12 taining to United States Cyber Command for  
13 inclusion in the budget justification materials  
14 that are submitted to Congress in support of  
15 the Department of Defense budget for a fiscal  
16 year (as submitted with the budget of the Presi-  
17 dent for a fiscal year under section 1105(a) of  
18 title 31, United States Code) that is separate  
19 from any other military service or component of  
20 the Department.

21 (2) RESPONSIBILITIES NOT DELEGATED.—The  
22 responsibilities assigned to the Commander by sub-  
23 section (a)(1) shall not include the following:

24 (A) Military pay and allowances.

1 (B) Funding for facility support that is  
2 provided by the military services.

3 (c) IMPLEMENTATION PLAN.—

4 (1) IN GENERAL.—Not later than the date that  
5 is 30 days after the date of the enactment of this  
6 Act, the Comptroller of the Department of Defense  
7 and the Commander of United States Cyber Com-  
8 mand, in coordination with Chief Information Offi-  
9 cer of the Department, the Principal Cyber Advisor,  
10 the Under Secretary of Defense for Acquisition and  
11 Sustainment, Cost Assessment and Program Evalua-  
12 tion, and the Secretaries of the military depart-  
13 ments, shall jointly develop an implementation plan  
14 for the transition of responsibilities assigned by sub-  
15 section (a)(1).

16 (2) ELEMENTS.—The implementation plan de-  
17 veloped under paragraph (1) shall include the fol-  
18 lowing:

19 (A) A budgetary review to identify appro-  
20 priate resources for transfer to the Commander  
21 of United States Cyber Command for carrying  
22 out responsibilities assigned by subsection  
23 (a)(1).

24 (B) Definition of appropriate roles and re-  
25 sponsibilities.

1 (C) Specification of all program elements  
2 and subelements, and the training, equipment,  
3 Joint Cyber Warfighting Architecture capabili-  
4 ties, other enabling capabilities and infrastruc-  
5 ture, intelligence support, operations, and  
6 sustainment investments in each program ele-  
7 ment and subelement, for which the Com-  
8 mander of United States Cyber Command is re-  
9 sponsible.

10 (D) Specification of all program elements  
11 and subelements, and the training, equipment,  
12 Joint Cyber Warfighting Architecture capabili-  
13 ties, other enabling capabilities and infrastruc-  
14 ture, intelligence support, operations, and  
15 sustainment investments in each program ele-  
16 ment and subelement, relevant to or that sup-  
17 port the Cyber Mission Force for which the  
18 Secretaries of the military departments are re-  
19 sponsible.

20 (E) Required levels of civilian and military  
21 staffing within the United States Cyber Com-  
22 mand to execute proper planning, program-  
23 ming, budgeting, and execution of the respon-  
24 sibilities assigned by subsection (a)(1), and an

1 estimate of when such levels of staffing will be  
2 achieved.

3 (d) BRIEFING.—

4 (1) IN GENERAL.—Not later than the earlier of  
5 the date on which the implementation plan required  
6 by subsection (c) is completed and the date that is  
7 90 days after the date of the enactment of this Act,  
8 the Secretary of Defense shall provide the congres-  
9 sional defense committees a briefing on the imple-  
10 mentation plan.

11 (2) ELEMENTS.—The briefing required by  
12 paragraph (1) shall address any recommendations  
13 for when and how the Secretary of Defense should  
14 delegate to the Commander of United States Cyber  
15 Command budget authority for Cyber Operations  
16 Forces, as stated in section 167b(d)(2) of title 10,  
17 United States Code, after successful implementation  
18 of budget authority for the Cyber Mission Forces.

19 **SEC. 1604. COORDINATION BETWEEN UNITED STATES**  
20 **CYBER COMMAND AND PRIVATE SECTOR.**

21 (a) VOLUNTARY PROCESS.—Not later than January  
22 1, 2023, the Commander of United States Cyber Com-  
23 mand shall establish a voluntary process to engage with  
24 commercial information technology and cybersecurity com-

1 panies to explore and develop methods and plans through  
2 which the capabilities, knowledge, and actions of—

3 (1) companies operating inside the United  
4 States to defend against foreign malicious cyber ac-  
5 tors could assist or be coordinated with the actions  
6 of Cyber Command operating outside the United  
7 States against the same foreign malicious cyber ac-  
8 tors; and

9 (2) Cyber Command operating outside the  
10 United States against foreign malicious cyber actors  
11 could assist or be coordinated with the actions of  
12 companies operating inside the United States  
13 against the same foreign malicious cyber actors.

14 (b) ANNUAL BRIEFING.—

15 (1) IN GENERAL.—During the period beginning  
16 on March 1, 2022, and ending on March 1, 2026,  
17 the Commander shall, not less frequently than once  
18 each year, provide to the Committee on Armed Serv-  
19 ices of the Senate and the Committee on Armed  
20 Services of the House of Representatives a briefing  
21 on the status of activities conducted under sub-  
22 section (a).

23 (2) ELEMENTS.—Each briefing provided under  
24 paragraph (1) shall include the following:

1           (A) Such recommendations for legislative  
2           or administrative action as the Commander con-  
3           siders appropriate to improve and facilitate the  
4           planning activities conducted under subsection  
5           (a).

6           (B) Such recommendations as the Com-  
7           mander may have for increasing private sector  
8           participation in the planning activities con-  
9           ducted under subsection (a).

10          (C) A description of the challenges encoun-  
11          tered in carrying out subsection (a), including  
12          any concerns expressed to the Commander by  
13          private sector partners regarding participation  
14          in the planning activities under such subsection.

15          (D) A description of any improvements re-  
16          sulting from the planning activities conducted  
17          in subsection (a).

18          (E) Such other matters as the Commander  
19          considers appropriate.

20          (c) PROTECTION OF TRADE SECRETS AND PROPRI-  
21          ETARY INFORMATION.—The Commander shall ensure that  
22          any trade secret or proprietary information of a company  
23          engaged with the Department through the process estab-  
24          lished under subsection (a) that is made known to the De-  
25          partment pursuant to such process remains private and

1 protected unless otherwise explicitly authorized by the  
2 company.

3 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion shall be construed to authorize United States Cyber  
5 Command to conduct operations inside the United States  
6 or for private sector entities to conduct offensive cyber ac-  
7 tivities outside the United States, except to the extent  
8 such operations or activities are permitted by a provision  
9 of law in effect on the day before the date of the enact-  
10 ment of this Act.

11 **SEC. 1605. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNER-**  
12 **SHIPS WITH INTERNET ECOSYSTEM COMPA-**  
13 **NIES TO DETECT AND DISRUPT ADVERSARY**  
14 **CYBER OPERATIONS.**

15 (a) **PILOT REQUIRED.**—Not later than one year after  
16 the date of the enactment of this Act, the Secretary of  
17 Defense shall establish and commence a pilot program to  
18 assess the feasibility and advisability of entering into pub-  
19 lic-private partnerships with internet ecosystem companies  
20 to facilitate actions by such companies to discover and dis-  
21 rupt use of the platforms, systems, services, and infra-  
22 structure of such companies by malicious cyber actors.

23 (b) **PUBLIC-PRIVATE PARTNERSHIPS.**—

24 (1) **IN GENERAL.**—Under the pilot program re-  
25 quired by subsection (a), the Secretary shall seek to

1 enter into one or more public-private partnerships  
2 with internet ecosystem companies to facilitate ac-  
3 tions as described in subsection (a).

4 (2) VOLUNTARY PARTICIPATION.—Participation  
5 by an internet ecosystem company in a public-pri-  
6 vate partnership under the pilot program shall be  
7 voluntary.

8 (c) AUTHORIZED ACTIVITIES.—In establishing and  
9 conducting the pilot program under subsection (a), the  
10 Secretary may—

11 (1) provide assistance to a participating com-  
12 pany in developing effective know-your-customer  
13 processes and requirements;

14 (2) provide information, analytics, and technical  
15 assistance to improve the ability of participating  
16 companies to detect and prevent illicit or suspicious  
17 procurement, payment, and account creation;

18 (3) develop and socialize best practices for the  
19 collection, retention, and sharing of data by partici-  
20 pating companies to support discovery of malicious  
21 cyber activity, investigations, and attribution;

22 (4) provide timely information to participating  
23 companies, such as foreign actor technical persona  
24 identification details, information about ongoing op-  
25 erations and infrastructure, and indicators of com-

1       promise, to enable such companies to detect and dis-  
2       rupt the use of their platforms, systems, services,  
3       and infrastructure by malicious cyber actors;

4           (5) facilitate development of threat-sharing, in-  
5       formation-exchange, and data pooling and analysis  
6       arrangements among participating companies such  
7       that individual companies or trusted third parties,  
8       such as cybersecurity nonprofit organizations or in-  
9       formation-sharing and analysis centers, can correlate  
10      relevant data and indicators, as described in para-  
11      graph (3), across platforms, systems, services, and  
12      infrastructure;

13          (6) provide recommendations for and assist in  
14      the development and institution of operational  
15      workflows, assessment and compliance practices, and  
16      training that participating companies can institute  
17      reliably to detect and disrupt the use of their plat-  
18      forms, systems, services, and infrastructure by mali-  
19      cious cyber actors;

20          (7) accelerate to the greatest extent possible,  
21      the automation of existing or instituted operational  
22      workflows to operate at line-rate in order to enable  
23      real-time mitigation without the need for manual re-  
24      view or action;

1           (8) provide recommendations for and assist in  
2           the development of technical capabilities to enable  
3           participating companies to collect and analyze data  
4           on activities occurring on their platforms, systems,  
5           services, and infrastructure to detect and disrupt op-  
6           erations of malicious cyber actors; and

7           (9) provide recommendations regarding relevant  
8           mitigations for suspected or discovered malicious  
9           cyber activity and thresholds for action.

10          (d) COMPETITION CONCERNS.—The Secretary shall  
11          ensure that any trade secret or proprietary information  
12          of a participating company made known to the Depart-  
13          ment of Defense pursuant to a public-private partnership  
14          under the pilot program remains private and protected un-  
15          less explicitly authorized by the participating company.

16          (e) IMPARTIALITY.—In carrying out the pilot pro-  
17          gram under subsection (a), the Secretary shall not take  
18          any action that is intended primarily to advance the par-  
19          ticular business interests of a given company but are oth-  
20          erwise authorized to take actions that advance the inter-  
21          ests of the United States, notwithstanding differential im-  
22          pact or benefit to a given company's or given companies'  
23          business interests.

24          (f) PARTICIPATION OF OTHER FEDERAL GOVERN-  
25          MENT COMPONENTS.—The Secretary may invite to par-

1 ticipate in the pilot program required by subsection (a)  
2 the heads of such departments or agencies as the Sec-  
3 retary considers appropriate.

4 (g) LIMITATION ON GOVERNMENT ACCESS TO  
5 DATA.—The Secretary shall ensure that Government offi-  
6 cials involved in the pilot program have access to informa-  
7 tion authorized to be shared with the Federal Government  
8 pursuant to the Cybersecurity Information Sharing Act of  
9 2015 (Public Law 114–113; 6 U.S.C. 1501 et seq.).

10 (h) BRIEFINGS.—

11 (1) INITIAL.—Not later than one year after the  
12 date of the enactment of this Act, the Secretary of  
13 Defense shall brief the Committee on Armed Serv-  
14 ices of the Senate and the Committee on Armed  
15 Services of the House of Representatives on the pilot  
16 program and the plans for the conduct of the pilot  
17 program under subsection (a).

18 (2) FOLLOW-UP.—Not later than 540 days  
19 after the date of the enactment of this Act, the Sec-  
20 retary shall brief the committees described in para-  
21 graph (1) on the progress of the pilot program con-  
22 ducted under subsection (a), the projected end date  
23 of the pilot program, and the findings of the Sec-  
24 retary with respect to the feasibility and advisability  
25 of extending or expanding the pilot program.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “internet ecosystem company”  
3 means a business incorporated in the United States  
4 that provide cybersecurity services, internet service,  
5 content delivery services, Domain Name Service,  
6 cloud services, mobile telecommunications services,  
7 email and messaging services, internet browser serv-  
8 ices, or such other services as the Secretary deter-  
9 mines appropriate for the purposes of the pilot pro-  
10 gram required by subsection (a).

11 (2) The term “participating company” means  
12 an internet ecosystem company that has entered into  
13 a public-private partnership with the Secretary  
14 under subsection (b).

15 **SEC. 1606. ZERO TRUST STRATEGY, PRINCIPLES, MODEL**  
16 **ARCHITECTURE, AND IMPLEMENTATION**  
17 **PLANS.**

18 (a) ZERO TRUST STRATEGY, PRINCIPLES, AND  
19 MODEL ARCHITECTURE REQUIRED.—Not later than 270  
20 days after the date of the enactment of this Act, the Chief  
21 Information Officer of the Department of Defense and the  
22 Commander of Joint Forces Headquarters-Department of  
23 Defense Information Network shall jointly develop a zero  
24 trust strategy, principles, and a model architecture to be  
25 implemented across the Department of Defense Informa-

1 tion Network, including classified networks, operational  
2 technology, and weapon systems.

3 (b) STRATEGY, PRINCIPLES, AND MODEL ARCHITEC-  
4 TURE ELEMENTS.—The zero trust strategy, principles,  
5 and model architecture required under subsection (a) shall  
6 include, at a minimum, the following elements:

7 (1) Prioritized policies and procedures for es-  
8 tablishing implementations of mature zero trust ena-  
9 bling capabilities within on-premises, hybrid, and  
10 pure cloud environments, including access control  
11 policies that determine which persona or device shall  
12 have access to which resources and the following:

13 (A) Identity, credential, and access man-  
14 agement.

15 (B) Macro and micro network segmenta-  
16 tion, whether in virtual, logical, or physical en-  
17 vironments.

18 (C) Traffic inspection.

19 (D) Application security and containment.

20 (E) Transmission, ingest, storage, and  
21 real-time analysis of cybersecurity metadata  
22 endpoints, networks, and storage devices.

23 (F) Data management, data rights man-  
24 agement, and access controls.

25 (G) End-to-end encryption.

1 (H) User access and behavioral moni-  
2 toring, logging, and analysis.

3 (I) Data loss detection and prevention  
4 methodologies.

5 (J) Least privilege, including system or  
6 network administrator privileges.

7 (K) Endpoint cybersecurity, including se-  
8 cure host, endpoint detection and response, and  
9 comply-to-connect requirements.

10 (L) Automation and orchestration.

11 (M) Configuration management of virtual  
12 machines, devices, servers, routers, and similar  
13 to be maintained on a single virtual device ap-  
14 proved list (VDL).

15 (2) Policies specific to operational technology,  
16 critical data, infrastructures, weapon systems, and  
17 classified networks.

18 (3) Specification of enterprise-wide acquisitions  
19 of capabilities conducted or to be conducted pursu-  
20 ant to those policies.

21 (4) Specification of standard zero trust prin-  
22 ciples supporting reference architectures and  
23 metrics-based assessment plan.

1           (5) Roles, responsibilities, functions, and oper-  
2           ational workflows of zero trust cybersecurity archi-  
3           tecture and information technology personnel—

4                   (A) at combatant commands, military serv-  
5           ices, and defense agencies; and

6                   (B) Joint Forces Headquarters-Depart-  
7           ment of Defense Information Network.

8           (c) ARCHITECTURE DEVELOPMENT AND IMPLEMEN-  
9           TATION.—In developing and implementing the zero trust  
10          principles and model architecture required under sub-  
11          section (a), the Chief Information Officer and the Com-  
12          mander shall—

13                   (1) coordinate with—

14                           (A) the Principal Cyber Advisor to the Sec-  
15           retary of Defense;

16                           (B) military departments and defense  
17           agencies;

18                           (C) the Director of the National Security  
19           Agency Cybersecurity Directorate;

20                           (D) the Director of the Defense Advanced  
21           Research Projects Agency;

22                           (E) the Chief Information Officers of each  
23           military service;

24                           (F) the Commanders of the cyber compo-  
25           nents of the military services;

1 (G) the Principal Cyber Advisors of each  
2 military service; and

3 (H) the Chairman of the Joints Chiefs of  
4 Staff;

5 (2) assess the utility of the Joint Regional Se-  
6 curity Stacks, automated continuous endpoint moni-  
7 toring program, assured compliance assessment solu-  
8 tion, and each of the defenses at the Internet Access  
9 Points for their relevance and applicability to the  
10 zero trust architecture and opportunities for integra-  
11 tion or divestment;

12 (3) employ all available resources to include on-  
13 line training, leveraging commercially available zero  
14 trust training material, and other Federal agency  
15 training where feasible, to implement cybersecurity  
16 training on zero trust at the—

17 (A) executive level;

18 (B) cybersecurity professional or imple-  
19 menter level; and

20 (C) general knowledge levels for Depart-  
21 ment of Defense users;

22 (4) facilitate cyber protection team and cyberse-  
23 curity service provider threat hunting and discovery  
24 of novel adversary activity;

1           (5) assess and implement means to effect Joint  
2 Force Headquarters–Department of Defense Infor-  
3 mation Network’s automated command and control  
4 of the entire Department of Defense Information  
5 Network;

6           (6) assess the potential of and, as appropriate,  
7 encourage use of third-party cybersecurity-as-a-serv-  
8 ice models;

9           (7) engage with and conduct outreach to indus-  
10 try, academia, international partners, and other de-  
11 partments and agencies of the Federal Government  
12 on issues relating to deployment of zero trust archi-  
13 tectures;

14           (8) assess the current Comply-to-Connect Plan;  
15 and

16           (9) review past and conduct additional pilots to  
17 guide development, including—

18               (A) utilization of networks designated for  
19 testing and accreditation under section 1658 of  
20 the National Defense Authorization Act for Fis-  
21 cal Year 2020 (Public Law 116–92; 10 U.S.C.  
22 2224 note);

23               (B) use of automated red team products  
24 for assessment of pilot architectures; and

1           (C) accreditation of piloted cybersecurity  
2           products for enterprise use in line with the find-  
3           ings on enterprise accreditation standards as  
4           performed under section 1654 of such Act (133  
5           Stat. 1764; Public Law 116–92).

6           (d) IMPLEMENTATION PLANS.—

7           (1) IN GENERAL.—No later than one year after  
8           the finalization of the model zero trust principles  
9           and architecture required under subsection (a), the  
10          head of each military department and the head of  
11          each component of the Department of Defense shall  
12          transmit to the Chief Information Officer of the De-  
13          partment and the Commander of Joint Forces  
14          Headquarters-Department of Defense Information  
15          Network a draft plan to implement such zero trust  
16          strategy, principles, and model architecture across  
17          the networks of their respective components and  
18          military department.

19          (2) ELEMENTS.—Each implementation plan  
20          transmitted under paragraph (1) shall include, at a  
21          minimum, the following:

22                (A) Specific acquisitions, implementations,  
23                instrumentations, and operational workflows to  
24                be implemented, across unclassified and classi-

1           fied networks, operational technology, and  
2           weapon systems.

3           (B) A detailed schedule with target mile-  
4           stones and required expenditures.

5           (C) Interim and final metrics, including a  
6           phase migration plan.

7           (D) Identification of additional funding,  
8           authorities, and policies, as may be required.

9           (E) Requested waivers, exceptions to De-  
10          partment of Defense policy, and expected  
11          delays.

12          (3) LIMITATION ON PROCUREMENT.—A head  
13          described in paragraph (1) who transmits a plan  
14          under such paragraph may not procure any hard-  
15          ware or software pursuant to such plan until the  
16          Chief Information Office and the Commander both  
17          certify that the plan complies with Department  
18          interoperability needs, the Department zero trust  
19          reference architecture, and redundancy, resiliency,  
20          and federation requirements of the Department.

21          (e) IMPLEMENTATION OVERSIGHT.—

22                 (1) IN GENERAL.—The Chief Information Offi-  
23                 cer shall—

24                         (A) assess the implementation plans sub-  
25                         mitted under subsection (d)(1) for adequacy

1 and responsiveness to the principles and model  
2 architecture required by subsection (a);

3 (B) assess such implementation plans and  
4 their institution for appropriate use of enter-  
5 prise-wide acquisitions;

6 (C) ensure, at a high level, the interoper-  
7 ability and compatibility of individual compo-  
8 nents' Solutions Architectures to include the  
9 leveraging of enterprise capabilities where ap-  
10 propriate through standards derivation, policy  
11 and, reviews;

12 (D) use the annual investment guidance of  
13 the Chief to ensure appropriate implementation,  
14 including appropriate use of enterprise-wide ac-  
15 quisitions;

16 (E) track use of waivers and exceptions to  
17 policy;

18 (F) use the Cybersecurity Scorecard to  
19 track and drive implementation of Department  
20 components; and

21 (G) leverage the authorities of the Com-  
22 mander of Joint Forces Headquarters-Depart-  
23 ment of Defense Information Network and the  
24 Director of the Defense Information Systems  
25 Agency to begin implementation of the zero

1 trust strategy, principles, and model architec-  
2 ture developed under subsection (a).

3 (2) ASSESSMENTS OF FUNDING.—Not later  
4 than March 31, 2024, and annually thereafter, each  
5 Principal Cyber Advisor of a military service shall  
6 include in the annual budget certification of the mili-  
7 tary service, as required by section 1657(d) of the  
8 National Defense Authorization Act for Fiscal Year  
9 2020 (Public Law 116–92; 10 U.S.C. 391 note), an  
10 assessment of the adequacy of funding requested for  
11 each proposed budget for the purposes of carrying  
12 out the zero trust implementation plan for the mili-  
13 tary service developed in subsection (d).

14 (f) INITIAL BRIEFINGS.—

15 (1) BRIEFINGS ON MODEL ARCHITECTURE.—  
16 Not later than 90 days after finalizing the model  
17 zero trust principles and architecture required by  
18 subsection (a), the Chief Information Officer of the  
19 Department and the Commander of Joint Forces  
20 Headquarters-Department of Defense Information  
21 Network shall provide a briefing to the congressional  
22 defense committees on such strategy, principles, and  
23 model architecture.

24 (2) BRIEFINGS ON IMPLEMENTATION PLANS.—  
25 No later than 90 days after the Department of De-

1       fense Chief Information Officer’s receipt of an im-  
2       plementation plan required under subsection (d), the  
3       secretary of a military department, in the case of an  
4       implementation plan pertaining to a military depart-  
5       ment or a military service, or the Chief Information  
6       Officer of the Department, in the case of an imple-  
7       mentation plan pertaining to a remaining component  
8       of the Department, as the case may be, shall each  
9       provide a briefing to the congressional defense com-  
10      mittees on the implementation plan.

11      (g) ANNUAL BRIEFINGS.—Effective February 1,  
12 2022, at each of the annual cybersecurity budget review  
13 briefings of the Chief Information Officer of the Depart-  
14 ment and the military services for congressional staff until  
15 January 1, 2030, the Chief and the head of each of the  
16 military services shall provide updates on the implementa-  
17 tion of the zero trust architecture in their respective net-  
18 works.

19 **SEC. 1607. DEMONSTRATION PROGRAM FOR AUTOMATED**  
20 **SECURITY VALIDATION TOOLS.**

21      (a) DEMONSTRATION PROGRAM REQUIRED.—Not  
22 later than October 1, 2024, the Chief Information Officer  
23 of the Department of Defense shall, acting through the  
24 Director of the Defense Information Systems Agency,  
25 complete a demonstration program to demonstrate and as-

1    sess an automated security validation capability to assist  
2    the Department of Defense by—

3           (1) mitigating cyber hygiene challenges;

4           (2) supporting ongoing efforts of the Depart-  
5    ment to assess weapon system resiliency;

6           (3) quantifying enterprise security effectiveness  
7    of enterprise security controls, to inform future ac-  
8    quisition decisions of the Department;

9           (4) assisting portfolio managers with balancing  
10   capability costs and capability coverage of the threat  
11   landscape; and

12           (5) supporting the Department of Defense Cy-  
13   bersecurity Analysis and Review threat framework.

14   (b) CONSIDERATIONS.—In developing capabilities for  
15   the demonstration program required by subsection (a), the  
16   Chief Information Officer shall consider—

17           (1) integration of advanced commercially avail-  
18   able threat intelligence;

19           (2) metrics and scoring of security controls;

20           (3) cyber analysis, cyber campaign tracking,  
21   and cybersecurity information sharing;

22           (4) integration of security instrumentation and  
23   testing capability into cybersecurity enclaves and ex-  
24   isting cybersecurity controls;

25           (5) endpoint sandboxing; and

1           (6) use of actual adversary attack methodolo-  
2           gies.

3           (c) COORDINATION WITH MILITARY SERVICES.—In  
4 carrying out the demonstration program required by sub-  
5 section (a), the Chief Information Officer shall, acting  
6 through the Director of the Defense Information Systems  
7 Agency, coordinate demonstration program activities with  
8 complementary efforts on-going within the military serv-  
9 ices, defense agencies, and field agencies.

10          (d) INDEPENDENT CAPABILITY ASSESSMENT.—In  
11 carrying out the demonstration program required by sub-  
12 section (a), the Chief Information Officer shall, acting  
13 through the Director of the Defense Information Systems  
14 Agency and in coordination with the Director, Operational  
15 Test and Evaluation, perform operational testing to evalu-  
16 ate the operational effectiveness, suitability, and cyberse-  
17 curity of the capabilities developed under the demonstra-  
18 tion program.

19          (e) BRIEFING.—

20           (1) INITIAL BRIEFING.—Not later than April 1,  
21 2022, the Chief Information Officer shall brief the  
22 Committee on Armed Services of the Senate and the  
23 Committee on Armed Services of the House of Rep-  
24 resentatives on the plans and status of the Chief In-

1 formation Officer with respect to the demonstration  
2 program required by subsection (a).

3 (2) FINAL BRIEFING.—Not later than October  
4 1, 2024, the Chief Information Officer shall brief  
5 the Committee on Armed Services of the Senate and  
6 the Committee on Armed Services of the House of  
7 Representatives on the results and findings of the  
8 Chief Information Officer with respect to the dem-  
9 onstration program required by subsection (a).

10 **SEC. 1608. IMPROVEMENTS TO CONSORTIUM OF UNIVER-**  
11 **SITIES TO ADVISE SECRETARY OF DEFENSE**  
12 **ON CYBERSECURITY MATTERS.**

13 (a) IN GENERAL.—Section 1659 of the National De-  
14 fense Authorization Act for Fiscal Year 2020 (Public Law  
15 116–92; 10 U.S.C. 391 note) is amended—

16 (1) in subsection (a), in the matter before para-  
17 graph (1), by striking “one or more consortia” and  
18 inserting “a consortium”; and

19 (2) in subsection (c), by amending paragraph  
20 (1) to read as follows:

21 “(1) DESIGNATION OF ADMINISTRATIVE  
22 CHAIR.—The Secretary of Defense shall designate  
23 the National Defense University College of Informa-  
24 tion and Cyberspace to function as the administra-

1           tive chair of the consortium established under sub-  
2           section (a).”.

3           (b) CONFORMING AMENDMENTS.—Such section is  
4 further amended—

5           (1) in subsection (a)(1), by striking “or con-  
6           sortia”;

7           (2) in subsection (b), by striking “or con-  
8           sortia”;

9           (3) in subsection (c)—

10           (A) by striking paragraph (2);

11           (B) by redesignating paragraphs (3) and  
12           (4) as paragraphs (2) and (3), respectively;

13           (C) in paragraph (2), as redesignated by  
14           subparagraph (B)—

15           (i) in the matter before subparagraph

16           (A)—

17           (I) by striking “Each administra-  
18           tive” and inserting “The administra-  
19           tive”; and

20           (II) by striking “a consortium”  
21           and inserting “the consortium”; and

22           (ii) in subparagraph (A), by striking  
23           “for the term specified by the Secretary  
24           under paragraph (1)”;

1 (D) by amending paragraph (3), as redese-  
2 gnated by subparagraph (B), to read as fol-  
3 lows:

4 “(3) EXECUTIVE COMMITTEE.—The Secretary,  
5 in consultation with the administrative chair, may  
6 form an executive committee for the consortium that  
7 is comprised of representatives of the Federal Gov-  
8 ernment to assist the chair with the management  
9 and functions of the consortium.”; and

10 (4) by amending subsection (d) to read as fol-  
11 lows:

12 “(d) CONSULTATION.—The Secretary shall meet with  
13 such members of the consortium as the Secretary con-  
14 siders appropriate, not less frequently than twice each  
15 year or at such periodicity as is agreed to by the Secretary  
16 and the consortium.”.

17 **SEC. 1609. QUARTERLY REPORTS ON CYBER OPERATIONS.**

18 (a) IN GENERAL.—Section 484 of title 10, United  
19 States Code is amended—

20 (1) in the section heading, by inserting “**and**  
21 **reports**” after “**briefings**”;

22 (2) in subsection (a)—

23 (A) by inserting “AND REPORTS” after  
24 “BRIEFINGS”; and

1 (B) by inserting “, and submit to the con-  
2 gressional defense committees a report on,”  
3 after “briefings on”; and

4 (3) in subsection (b), in the matter before para-  
5 graph (1), by inserting “and report” after “Each  
6 briefing”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of chapter 23 of such title is amended  
9 by striking the item relating to section 484 and inserting  
10 the following new item:

“484. Quarterly cyber operations briefings and reports.”.

11 **SEC. 1610. ASSESSMENT OF CYBERSECURITY POSTURE AND**  
12 **OPERATIONAL ASSUMPTIONS AND DEVELOP-**  
13 **MENT OF TARGETING STRATEGIES AND SUP-**  
14 **PORTING CAPABILITIES.**

15 (a) ASSESSMENT OF CYBERSECURITY POSTURE OF  
16 ADVERSARIES AND OPERATIONAL ASSUMPTIONS OF  
17 UNITED STATES GOVERNMENT.—

18 (1) IN GENERAL.—Not later than one year  
19 after the date of the enactment of this Act, the  
20 Commander of United States Cyber Command, the  
21 Under Secretary of Defense for Policy, and the  
22 Under Secretary of Defense for Intelligence and Se-  
23 curity, shall jointly sponsor or conduct an assess-  
24 ment, including, if appropriate, a war-game or table-  
25 top exercise, of the current and emerging offensive

1 cyber posture of adversaries of the United States  
2 and the current operational assumptions and plans  
3 of the Armed Forces for offensive cyber operations  
4 during potential crises or conflict.

5 (2) ELEMENTS.—The assessment required by  
6 paragraph (1) shall include consideration of the fol-  
7 lowing:

8 (A) Changes to strategies, operational con-  
9 cepts, operational preparation of the environ-  
10 ment, and rules of engagement.

11 (B) Opportunities provided by armed  
12 forces in theaters of operations and other inno-  
13 vative alternatives.

14 (C) Changes in intelligence community (as  
15 defined in section 3 of the National Security  
16 Act of 1947 (50 U.S.C. 3003)) targeting and  
17 operations in support of the Department of De-  
18 fense.

19 (D) Adversary capabilities to deny or de-  
20 grade United States activities in cyberspace.

21 (E) Adversaries' targeting of United States  
22 critical infrastructure and implications for  
23 United States policy.

24 (F) Potential effect of emerging tech-  
25 nologies, such as fifth generation mobile net-

1 works, expanded use of cloud information tech-  
2 nology services, and artificial intelligence.

3 (G) Changes in organizational design.

4 (H) The effect of private sector cybersecu-  
5 rity research.

6 (b) DEVELOPMENT OF TARGETING STRATEGIES,  
7 SUPPORTING CAPABILITIES, AND OPERATIONAL CON-  
8 CEPTS.—

9 (1) IN GENERAL.—Not later than one year  
10 after the date of the enactment of this Act, the  
11 Commander shall—

12 (A) assess and establish the capabilities,  
13 capacities, tools, and tactics required to support  
14 targeting strategies for—

15 (i) day-to-day persistent engagement  
16 of adversaries, including support to infor-  
17 mation operations;

18 (ii) support to geographic combatant  
19 commanders at the onset of hostilities and  
20 during sustained conflict; and

21 (iii) deterrence of attacks on United  
22 States critical infrastructure, including the  
23 threat of counter value responses;

1 (B) develop future cyber targeting strate-  
2 gies and capabilities across the categories of  
3 cyber missions and target classes where—

4 (i) time-consuming and human effort-  
5 intensive stealthy operations are required  
6 to acquire and maintain access to targets,  
7 and the mission is so important it is  
8 worthwhile to expend such efforts to hold  
9 them at risk;

10 (ii) target prosecution requires unique  
11 access and exploitation tools and tech-  
12 nologies, and the target importance justi-  
13 fies such efforts, time, and expense;

14 (iii) operational circumstances do not  
15 allow for and do not require spending the  
16 time and human effort required for  
17 stealthy, nonattributable, and continuous  
18 access to targets;

19 (iv) capabilities are needed to rapidly  
20 prosecute targets that have not been pre-  
21 viously planned and that can be accessed  
22 and exploited using known, available tools  
23 and techniques; and

1 (v) targets may be prosecuted with  
2 the aid of automated techniques to achieve  
3 speed, mass, and scale; and

4 (C) develop strategies for appropriate utili-  
5 zation of Cyber Mission Teams in support of  
6 combatant command objectives as—

7 (i) adjuncts to or substitutes for ki-  
8 netic operations; or

9 (ii) independent means to achieve  
10 novel tactical, operational, and strategic  
11 objectives.

12 (2) BRIEFING REQUIRED.—

13 (A) IN GENERAL.—Not more than 30 days  
14 after the date on which all of the activities re-  
15 quired by paragraph (1) have been completed,  
16 the Commander shall provide the congressional  
17 defense committees a briefing on the activities.

18 (B) ELEMENTS.—The briefing provided  
19 under subparagraph (A) shall include the fol-  
20 lowing:

21 (i) Recommendations for such legisla-  
22 tive or administrative action as the Com-  
23 mander considers necessary to address ca-  
24 pability shortcomings.

1 (ii) Plans to address capability short-  
2 comings.

3 (c) COUNTRY-SPECIFIC ACCESS STRATEGIES.—

4 (1) IN GENERAL.—Not later than one year  
5 after the date on which all of the activities required  
6 by subsection (b)(1) have been completed, the Com-  
7 mander shall complete development of country-spe-  
8 cific access strategies for the Russian Federation,  
9 the People’s Republic of China, the Democratic Peo-  
10 ple’s Republic of Korea, and the Islamic Republic of  
11 Iran.

12 (2) ELEMENTS.—Each country-specific access  
13 strategy developed under paragraph (1) shall include  
14 the following:

15 (A) Specification of desired and required—

16 (i) outcomes;

17 (ii) cyber warfighting architecture, to  
18 include—

19 (I) tools and redirectors;

20 (II) access platforms; and

21 (III) data analytics, modeling,  
22 and simulation capacity;

23 (iii) specific means to achieve and  
24 maintain persistent access and conduct  
25 command and control and exfiltration

1 against hard targets and in operationally  
2 challenging environments across the con-  
3 tinuum of conflict;

4 (iv) intelligence, surveillance, and re-  
5 connaissance support;

6 (v) operational partnerships with al-  
7 lies;

8 (vi) rules of engagement;

9 (vii) personnel, training, and equip-  
10 ment; and

11 (viii) targeting strategies, including  
12 those that do not demand deliberate tar-  
13 geting and precise access to achieve effects;  
14 and

15 (B) recommendations for such policy or  
16 resourcing changes as the Commander con-  
17 siders appropriate to address access shortfalls.

18 (3) CONSULTATION REQUIRED.—The Com-  
19 mander shall develop the country-specific access  
20 strategies under paragraph (1) independently but in  
21 consultation with the following:

22 (A) The Director of the National Security  
23 Agency.

24 (B) The Director of the Central Intel-  
25 ligence Agency.

1 (C) The Director of the Defense Advanced  
2 Research Projects Agency.

3 (D) The Director of the Strategic Capabili-  
4 ties Office.

5 (E) The Under Secretary of Defense for  
6 Policy.

7 (F) The Principal Cyber Advisor to the  
8 Secretary of Defense.

9 (G) The Commanders of all other Combat-  
10 ant Commands.

11 (4) BRIEFING.—Upon completion of the coun-  
12 try-specific access strategies required by paragraph  
13 (1), the Commander shall provide the Deputy Sec-  
14 retary of Defense, the Vice Chairman of the Joint  
15 Chiefs of Staff, the Committee on Armed Services of  
16 the Senate, and the Committee on Armed Services  
17 of the House of Representatives a briefing on such  
18 strategies.

19 **SEC. 1611. ASSESSING CAPABILITIES TO COUNTER ADVER-**  
20 **SARY USE OF RANSOMWARE TOOLS, CAPA-**  
21 **BILITIES, AND INFRASTRUCTURE.**

22 (a) COMPREHENSIVE ASSESSMENT AND REC-  
23 OMMENDATIONS REQUIRED.—Not later than March 1,  
24 2022, the Secretary of Defense shall—

1           (1) conduct a comprehensive assessment of the  
2 policy, capacity, and capabilities of the Department  
3 of Defense to diminish and defend the United States  
4 from ransomware threats, including—

5           (A) an assessment of the current and po-  
6 tential threats and risks to national and eco-  
7 nomic security posed by—

8           (i) foreign criminal organizations that  
9 provide large-scale and sophisticated cyber  
10 attack capabilities and infrastructure used  
11 to conduct ransomware attacks; and

12           (ii) organizations that conduct or  
13 could conduct ransomware or other attacks  
14 that use the capabilities and infrastructure  
15 described in clause (i) on a large scale  
16 against important assets and systems in  
17 the United States, including critical infra-  
18 structure;

19           (B) an assessment of—

20           (i) the threat posed by the criminal  
21 organizations, capabilities, and infrastruc-  
22 ture described in subparagraph (A) to the  
23 Department of Defense Information Net-  
24 work and the United States; and

1                   (ii) the current and potential role of  
2                   United States Cyber Command in address-  
3                   ing the threat described in clause (i);

4                   (C) an identification of the current and po-  
5                   tential Department efforts, processes, and capa-  
6                   bilities to deter and counter the threat de-  
7                   scribed in subparagraph (B)(i), including  
8                   through offensive cyber effects operations;

9                   (D) an assessment of the application of the  
10                  defend forward and persistent engagement  
11                  operational concepts and capabilities of the De-  
12                  partment to deter and counter the threat of  
13                  ransomware to the United States;

14                  (E) a description of the efforts of the De-  
15                  partment in interagency processes, and joint  
16                  collaboration with allies and partners of the  
17                  United States, to address the growing threat of  
18                  criminal cyber enterprises that conduct  
19                  ransomware attacks and could conduct attacks  
20                  with other objectives to the United States and  
21                  allies and partners of the United States;

22                  (F) a determination of the extent to which  
23                  the governments of countries where large-scale  
24                  and sophisticated criminal cyber enterprises are  
25                  principally located are tolerating the activities

1 of such enterprises, have interactions with such  
2 enterprises, could direct their operations, and  
3 could suppress them;

4 (G) an assessment as to whether the crimi-  
5 nal cyber enterprises described in subparagraph  
6 (F) are perfecting and practicing attack tech-  
7 niques and capabilities at scale that can be co-  
8 opted and placed in the service of the country  
9 where they are based; and

10 (H) identification of such legislative or ad-  
11 ministrative action as may be necessary to more  
12 effectively counter the threat of ransomware;  
13 and

14 (2) develop recommendations for the Depart-  
15 ment to build capabilities to develop and execute in-  
16 novative methods to deter and counter ransomware  
17 attacks prior and in response to the launching of at-  
18 tacks.

19 (b) BRIEFING.—Not later than April 1, 2022, the  
20 Secretary shall brief the congressional defense committees  
21 on the assessment completed under paragraph (1) of sub-  
22 section (a) and the recommendations developed under  
23 paragraph (2) of such subsection.

1 **SEC. 1612. COMPARATIVE ANALYSIS OF CYBERSECURITY**  
2 **CAPABILITIES.**

3 (a) COMPARATIVE ANALYSIS REQUIRED.—Not later  
4 than 180 days after the date of the enactment of this Act,  
5 the Principal Cyber Advisor to the Secretary of Defense  
6 and the Director of Cost Assessment and Program Eval-  
7 uation (CAPE), in consultation with the Chief Informa-  
8 tion Officers and Principal Cyber Advisors of each of the  
9 military departments, shall jointly sponsor a comparative  
10 analysis, that the Director of the National Security Agen-  
11 cy and the Director of the Defense Information Systems  
12 Agency shall conduct, of the following:

13 (1) The cybersecurity tools, applications, and  
14 capabilities offered as options on enterprise software  
15 agreements for cloud-based productivity and collabo-  
16 ration suites such as that offered under the Defense  
17 Enterprise Office Solution and Enterprise Software  
18 Agreement contracts with Department of Defense  
19 components, relative to those that are currently de-  
20 ployed in, or required by, the Department to conduct  
21 the functions of—

22 (A) asset discovery;

23 (B) vulnerability scanning;

24 (C) conditional access (also known as  
25 “comply-to-connect”);

26 (D) event correlation;

- 1 (E) patch management and remediation;
- 2 (F) endpoint query and control;
- 3 (G) endpoint detection and response;
- 4 (H) data rights management;
- 5 (I) data loss prevention;
- 6 (J) data tagging;
- 7 (K) data encryption;
- 8 (L) security information and event man-
- 9 agement; and
- 10 (M) security orchestration, automation,
- 11 and response.

12 (2) The identity, credential, and access manage-  
13 ment (ICAM) system, and associated capabilities to  
14 enforce the principle of least privilege access, offered  
15 as an existing option on a contract described in  
16 paragraph (1), relative to—

17 (A) the requirements of such system de-  
18 scribed in the Zero Trust Reference Architec-  
19 ture of the Department; and

20 (B) the requirements of such system under  
21 development by the Defense Information Sys-  
22 tems Agency.

23 (3) The artificial intelligence and machine-  
24 learning capabilities associated with the tools, appli-  
25 cations, and capabilities described in paragraphs (1)

1 and (2), and the ability to host government or third-  
2 party artificial intelligence and machine-learning al-  
3 gorithms within the contracted environments de-  
4 scribed in paragraph (1) for those tools, applica-  
5 tions, and capabilities described in paragraphs (1)  
6 and (2).

7 (4) The network consolidation and segmenta-  
8 tion capabilities offered on the contracts described in  
9 paragraph (1) relative to capabilities projected in the  
10 Zero Trust Reference Architecture.

11 (5) The automated orchestration and interoper-  
12 ability among all of the tools, applications, and capa-  
13 bilities described in paragraphs (1) through (4).

14 (b) ELEMENTS OF COMPARATIVE ANALYSIS.—The  
15 comparative analysis conducted under subsection (a) shall  
16 include an assessment of the following:

- 17 (1) Costs.
- 18 (2) Performance.
- 19 (3) Sustainment.
- 20 (4) Scalability.
- 21 (5) Training requirements.
- 22 (6) Maturity.
- 23 (7) Human effort requirements.
- 24 (8) Speed of integrated operations.

1           (9) Ability to operate on multiple operating sys-  
2           tems and in multiple cloud environments.

3           (10) Such other matters as the Principal Cyber  
4           Advisor to the Secretary of Defense and the Director  
5           of Cost Assessment and Program Evaluation con-  
6           sider appropriate.

7           (c) BRIEFING REQUIRED.—Not later than 30 days  
8           after the date on which the analysis required by subsection  
9           (a) is completed, the Principal Cyber Advisor and the Di-  
10          rector shall jointly provide the congressional defense com-  
11          mittees with a briefing on the findings of the Principal  
12          Cyber Advisor and the Director with respect to such anal-  
13          ysis, along with such recommendations for legislative or  
14          administrative action as the Principal Cyber Advisor and  
15          the Director may have with respect to the matters covered  
16          by the analysis.

17       **SEC. 1613. REPORT ON THE CYBERSECURITY MATURITY**  
18                               **MODEL CERTIFICATION PROGRAM.**

19          (a) REPORT REQUIRED.—Not later than January 15,  
20          2022, the Secretary of Defense shall submit to the Com-  
21          mittee on Armed Services of the Senate and the Com-  
22          mittee on Armed Services of the House of Representatives  
23          a report on the plans of the Secretary for the Cyber Matu-  
24          rity Model Certification program in consideration of the  
25          recent internal review of the program and recent efforts

1 of the Secretary to improve the cybersecurity of the de-  
2 fense industrial base.

3 (b) CONTENTS.—The report submitted under sub-  
4 section (a) shall include the following:

5 (1) The programmatic changes required in  
6 Cyber Maturity Model Certification program to ad-  
7 dress recommendations developed pursuant to the  
8 review described in subsection (a).

9 (2) The strategy of the Secretary for rule-  
10 making for such program and the process for the  
11 Cybersecurity Maturity Model Certification rule.

12 (3) The budget and resources required to sup-  
13 port such program.

14 (4) A plan for communication and coordination  
15 with the defense industrial base regarding such pro-  
16 gram.

17 (5) The coordination needed within the Depart-  
18 ment and between Federal agencies for such pro-  
19 gram.

20 (6) The status of efforts to develop the frame-  
21 work required by section 1648 of the National De-  
22 fense Authorization Act for Fiscal Year 2020 (Pub-  
23 lic Law 116–92; 10 U.S.C. 2224 note).

24 (7) Plans and explicit public announcement of  
25 processes for reimbursement of cybersecurity compli-

1       ance expenses for small and non-traditional busi-  
2       nesses in the defense industrial base.

3           (8) Plans for ensuring that persons seeking a  
4       Department of Defense contract for the first time  
5       are not required to expend funds to acquire cyberse-  
6       curity capabilities and a certification required to per-  
7       form under a contract as a precondition for bidding  
8       on such a contract without reimbursement in the  
9       event that such persons do not receive a contract  
10      award.

11          (9) Clarification of roles and responsibilities of  
12      prime contractors for assisting and managing cyber-  
13      security performance of subcontractors.

14          (10) Such additional matters as the Secretary  
15      considers appropriate.

16 **SEC. 1614. REPORT ON POTENTIAL DEPARTMENT OF DE-**  
17 **FENSE SUPPORT AND ASSISTANCE FOR IN-**  
18 **CREASING THE AWARENESS OF THE CYBER-**  
19 **SECURITY AND INFRASTRUCTURE SECURITY**  
20 **AGENCY OF CYBER THREATS AND**  
21 **VULNERABILITIES AFFECTING CRITICAL IN-**  
22 **FRASTRUCTURE.**

23      (a) REPORT REQUIRED.—Not later than 270 days  
24 after the date of the enactment of this Act, the Secretary  
25 of Defense, in consultation with the Secretary of Home-

1 land Security and the National Cyber Director, shall sub-  
2 mit to the Committee on Armed Services of the Senate  
3 and the Committee on Armed Services of the House of  
4 Representatives a report that provides recommendations  
5 on how the Department of Defense can improve support  
6 and assistance to the Cybersecurity and Infrastructure Se-  
7 curity Agency to increase awareness of threats and  
8 vulnerabilities affecting domestic networks that are critical  
9 infrastructure, including infrastructure that is critical to  
10 the Department and infrastructure that is critical to the  
11 defense of the United States.

12 (b) ELEMENTS OF REPORT.—The report required by  
13 subsection (a) shall—

14 (1) assess and identify areas in which the De-  
15 partment of Defense could provide support or assist-  
16 ance to the Cybersecurity and Infrastructure Secu-  
17 rity Agency in expanding or increasing the technical  
18 understanding and awareness of threats and  
19 vulnerabilities affecting critical infrastructure, in-  
20 cluding through information sharing and voluntary  
21 network monitoring programs;

22 (2) identify and assess any legal, policy, organi-  
23 zational, or technical barriers to enabling support  
24 provided by the Department to the Agency for im-  
25 proved situational awareness of cyber threats to crit-

1        ical infrastructure, including increased information  
2        sharing;

3            (3) assess and describe any legal or policy  
4        changes necessary to enable the Department to pro-  
5        vide support or assistance to the Agency for im-  
6        proved situational awareness of cyber threats to crit-  
7        ical infrastructure while preserving privacy and civil  
8        liberties;

9            (4) assess and describe the budgetary and other  
10       resource effects on the Department of providing sup-  
11       port or assistance to the Agency for improved situa-  
12       tional awareness of cyber threats to critical infra-  
13       structure; and

14           (5) provide a notional time-phased plan, includ-  
15       ing milestones, to enable the Department to provide  
16       support or assistance to the Agency to increase  
17       awareness of threats and vulnerabilities affecting do-  
18       mestic critical infrastructure networks.

19        (c) CRITICAL INFRASTRUCTURE DEFINED.—In this  
20       section, the term “critical infrastructure” has the meaning  
21       given such term in subsection (e) of the Critical Infra-  
22       structures Protection Act of 2001 (42 U.S.C. 5195c(e)).

1 **SEC. 1615. DEADLINE FOR REPORTS ON ASSESSMENT OF**  
2 **CYBER RESILIENCY OF NUCLEAR COMMAND**  
3 **AND CONTROL SYSTEM.**

4 Section 499(e) of title 10, United States Code, is  
5 amended—

6 (1) in paragraph (1), in the matter before sub-  
7 paragraph (A)—

8 (A) by striking “The Commanders” and  
9 inserting “For each assessment conducted  
10 under subsection (a), the Commanders”; and

11 (B) by striking “the assessment required  
12 by subsection (a)” and inserting “the assess-  
13 ment”;

14 (2) in paragraph (2), by striking “the report”  
15 and inserting “each report”;

16 (3) in paragraph (3)—

17 (A) by striking “The Secretary” and in-  
18 serting “Not later than 90 days after the date  
19 of the submittal of a report under paragraph  
20 (1), the Secretary”; and

21 (B) by striking “required by paragraph  
22 (1)”; and

23 (4) in the subsection heading by striking “RE-  
24 PORT” and inserting “REPORTS”.

1 **DIVISION B—MILITARY CON-**  
2 **STRUCTION AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-  
6 tion Authorization Act for Fiscal Year 2022”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
11 YEARS.—Except as provided in subsection (b), all author-  
12 izations contained in titles XXI through XXVII for mili-  
13 tary construction projects, land acquisition, family housing  
14 projects and facilities, and contributions to the North At-  
15 lantic Treaty Organization Security Investment Program  
16 (and authorizations of appropriations therefor) shall ex-  
17 pire on the later of—

18 (1) October 1, 2024; or

19 (2) the date of the enactment of an Act author-  
20 izing funds for military construction for fiscal year  
21 2025.

22 (b) EXCEPTION.—Subsection (a) shall not apply to  
23 authorizations for military construction projects, land ac-  
24 quisition, family housing projects and facilities, and con-  
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-  
2 priations therefor), for which appropriated funds have  
3 been obligated before the later of—

4 (1) October 1, 2024; or

5 (2) the date of the enactment of an Act author-  
6 izing funds for fiscal year 2025 for military con-  
7 struction projects, land acquisition, family housing  
8 projects and facilities, or contributions to the North  
9 Atlantic Treaty Organization Security Investment  
10 Program.

11 **SEC. 2003. EFFECTIVE DATE.**

12 Titles XXI through XXVII shall take effect on the  
13 later of—

14 (1) October 1, 2021; or

15 (2) the date of the enactment of this Act.

16 **TITLE XXI—ARMY MILITARY**  
17 **CONSTRUCTION**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**

19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts  
21 appropriated pursuant to the authorization of appropria-  
22 tions in section 2103(a) and available for military con-  
23 struction projects inside the United States as specified in  
24 the funding table in section 4601, the Secretary of the  
25 Army may acquire real property and carry out military

1 construction projects for the installations or locations in-  
 2 side the United States, and in the amounts, set forth in  
 3 the following table:

**Army: Inside the United States**

State	Installation	Amount
Alabama .....	Fort Rucker .....	\$66,000,000
	Redstone Arsenal .....	\$55,000,000
California .....	Fort Irwin .....	\$52,000,000
Georgia .....	Fort Stewart .....	\$100,000,000
Hawaii .....	West Loch Naval Magazine Annex .....	\$51,000,000
	Wheeler Army Airfield .....	\$140,000,000
Kansas .....	Fort Leavenworth .....	\$34,000,000
Kentucky .....	Fort Knox .....	\$27,000,000
Louisiana .....	Camp Minden .....	\$13,800,000
	Fort Polk .....	\$111,000,000
Maryland .....	Fort Meade .....	\$81,000,000
New York .....	Fort Hamilton .....	\$26,000,000
	Watervliet Arsenal .....	\$20,000,000
Pennsylvania .....	Letterkenny Army Depot .....	\$21,000,000
Texas .....	Fort Bliss .....	\$20,000,000
	Fort Hood .....	\$130,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2103(a) and available for military con-  
 7 struction projects outside the United States as specified  
 8 in the funding table in section 4601, the Secretary of the  
 9 Army may acquire real property and carry out military  
 10 construction projects for the installations or locations out-  
 11 side the United States, and in the amounts, set forth in  
 12 the following table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Belgium .....	SHAPE Headquarters .....	\$16,000,000
Germany .....	East Camp Grafenwoehr .....	\$103,000,000
	Smith Barracks .....	\$33,500,000
Worldwide Classified	Classified Location .....	\$31,000,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2103(a) and available for military  
 5 family housing functions as specified in the funding table  
 6 in section 4601, the Secretary of the Army may construct  
 7 or acquire family housing units (including land acquisition  
 8 and supporting facilities) at the installation or location,  
 9 in the number of units, and in the amounts set forth in  
 10 the following table:

**Army: Family Housing**

Country	Installation or Location	Units	Amount
Italy .....	Vicenza .....	Family Housing New Construc- tion .....	\$92,304,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in  
 13 section 2103(a) and available for military family housing  
 14 functions as specified in the funding table in section 4601,  
 15 the Secretary of the Army may carry out architectural and  
 16 engineering services and construction design activities  
 17 with respect to the construction or improvement of family  
 18 housing units in an amount not to exceed \$7,545,000.

19 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 21 are hereby authorized to be appropriated for fiscal years  
 22 beginning after September 30, 2021, for military con-

1 struction, land acquisition, and military family housing  
2 functions of the Department of the Army as specified in  
3 the funding table in section 4601.

4 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**  
5 **PROJECTS.**—Notwithstanding the cost variations author-  
6 ized by section 2853 of title 10, United States Code, and  
7 any other cost variation authorized by law, the total cost  
8 of all projects carried out under section 2101 of this Act  
9 may not exceed the total amount authorized to be appro-  
10 priated under subsection (a), as specified in the funding  
11 table in section 4601.

12 **SEC. 2104. EXTENSION OF AUTHORIZATION OF FISCAL**  
13 **YEAR 2017 PROJECT AT WIESBADEN ARMY**  
14 **AIRFIELD.**

15 (a) **EXTENSION.**—Notwithstanding section 2002 of  
16 the National Defense Authorization Act for Fiscal Year  
17 2017 (Public Law 114–328; 130 Stat. 2688), the author-  
18 ization set forth in the table in subsection (b), as provided  
19 in section 2101(b) of that Act (130 Stat. 2689), shall re-  
20 main in effect until October 1, 2023, or the date of the  
21 enactment of an Act authorizing funds for military con-  
22 struction for fiscal year 2024, whichever is later.

23 (b) **TABLE.**—The table referred to in subsection (a)  
24 is as follows:

**Army: Extension of 2017 Project Authorization**

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Germany .....	Wiesbaden Army Airfield .....	Hazardous Material Storage Building	\$2,700,000

1 **SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL**2 **YEAR 2018 PROJECT AT FORT BLISS, TEXAS.**

3 (a) PROJECT AUTHORIZATION.—The Secretary of  
4 the Army may carry out a military construction project  
5 to construct a defense access road at Fort Bliss, Texas,  
6 in the amount of \$20,000,000.

7 (b) USE OF AMOUNTS.—The Secretary may use  
8 funds appropriated under section 131 of the Military Con-  
9 struction, Veterans Affairs, and Related Agencies Appro-  
10 priations Act, 2018 (title I of division J of Public Law  
11 115–141; 132 Stat. 805) for the Defense Access Road  
12 Program to carry out subsection (a).

13 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**14 **FISCAL YEAR 2021 PROJECT AT FORT WAIN-**  
15 **WRIGHT, ALASKA.**

16 (a) MODIFICATION OF PROJECT AUTHORITY.—In the  
17 case of the authorization contained in the table in section  
18 2101(a) of the William M. (Mac) Thornberry National De-  
19 fense Authorization Act for Fiscal Year 2021 (Public Law  
20 116–283) for Fort Wainwright, Alaska, for construction  
21 of unaccompanied enlisted personnel housing, as specified

1 in the funding table in section 4601 of such Act, the Sec-  
2 retary of the Army may construct an unaccompanied en-  
3 listed personnel housing building of 104,300 square feet  
4 to incorporate a modified standard design, and also may  
5 construct an outdoor recreational shelter, sports fields and  
6 courts, barbecue and leisure area, and fitness stations as-  
7 sociated with the unaccompanied enlisted personnel hous-  
8 ing.

9 (b) MODIFICATION OF PROJECT AMOUNTS.—

10 (1) DIVISION B TABLE.—The authorization  
11 table in section 2101(a) of the William M. (Mac)  
12 Thornberry National Defense Authorization Act for  
13 Fiscal Year 2021 (Public Law 116–283) is amend-  
14 ed, in the item relating to Fort Wainwright, Alaska,  
15 by striking “\$114,000,000” in the Amount column  
16 and inserting “\$146,000,000” to reflect the project  
17 modification made by subsection (a).

18 (2) DIVISION D TABLE.—The funding table in  
19 section 4601 of the William M. (Mac) Thornberry  
20 National Defense Authorization Act for Fiscal Year  
21 2021 (Public Law 116–283) is amended, in the item  
22 relating to Fort Wainwright, Alaska, Unaccom-  
23 panied Enlisted Personnel Housing, by striking  
24 “\$59,000” in the Conference Authorized column and

1 inserting “\$91,000” to reflect the project modifica-  
2 tion made by subsection (a).

3 **SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT FISCAL**  
4 **YEAR 2022 PROJECT AT ABERDEEN PROVING**  
5 **GROUND, MARYLAND.**

6 (a) PROJECT AUTHORIZATION.—The Secretary of  
7 the Army may carry out a military construction project  
8 to construct a 6,000 square foot recycling center to meet  
9 the requirements of a qualified recycling program at Aber-  
10 deen Proving Ground, Maryland, in the amount of  
11 \$3,600,000.

12 (b) USE OF LEASE PAYMENT FUNDS.—The Sec-  
13 retary may use funds generated pursuant to section 2667  
14 of title 10, United States Code, in addition to funds appro-  
15 priated for unspecified minor military construction, for the  
16 project specified in subsection (a).

17 **TITLE XXII—NAVY MILITARY**  
18 **CONSTRUCTION**

19 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
20 **ACQUISITION PROJECTS.**

21 (a) INSIDE THE UNITED STATES.—Using amounts  
22 appropriated pursuant to the authorization of appropria-  
23 tions in section 2204(a) and available for military con-  
24 struction projects inside the United States as specified in  
25 the funding table in section 4601, the Secretary of the

1 Navy may acquire real property and carry out military  
 2 construction projects for the installations or locations in-  
 3 side the United States, and in the amounts, set forth in  
 4 the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station Yuma .....	\$128,900,000
California .....	Marine Corps Air Ground Combat Center ...	\$45,000,000
	Marine Corps Air Station Miramar .....	\$240,900,000
	Marine Corps Base Camp Pendleton .....	\$191,300,000
	Naval Base Ventura County .....	\$197,500,000
	Naval Base Coronado .....	\$63,600,000
	Marine Corps Reserve Depot San Diego .....	\$93,700,000
	San Nicolas Island .....	\$19,907,000
Florida .....	Marine Corps Support Facility Blount Is- land .....	\$69,400,000
Hawaii .....	Marine Corps Base Kaneohe Bay .....	\$165,700,000
Maine .....	Portsmouth Naval Shipyard .....	\$225,000,000
North Carolina .....	Marine Corps Air Station Cherry Point .....	\$340,117,000
	Marine Corps Base Camp Lejeune .....	\$64,200,000
South Carolina .....	Marine Corps Air Station Beaufort .....	\$127,600,000
Virginia .....	Naval Station Norfolk .....	\$344,793,000
	Naval Station Yorktown .....	\$93,500,000
	Portsmouth Naval Shipyard .....	\$156,380,000
	Marine Corps Base Quantico .....	\$42,850,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2204(a) and available for military con-  
 8 struction projects outside the United States as specified  
 9 in the funding table in section 4601, the Secretary of the  
 10 Navy may acquire real property and carry out military  
 11 construction projects for the installations or locations out-  
 12 side the United States, and in the amounts, set forth in  
 13 the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
El Salvador .....	Cooperative Security Location Comalapa ....	\$28,000,000
Guam .....	Andersen Air Force Base .....	\$50,890,000
	Joint Region Marianas .....	\$507,527,000
Japan .....	Fleet Activities Yokosuka .....	\$49,900,000



1 functions of the Department of the Navy, as specified in  
 2 the funding table in section 4601.

3 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**  
 4 **PROJECTS.**—Notwithstanding the cost variations author-  
 5 ized by section 2853 of title 10, United States Code, and  
 6 any other cost variation authorized by law, the total cost  
 7 of all projects carried out under section 2201 of this Act  
 8 may not exceed the total amount authorized to be appro-  
 9 priated under subsection (a), as specified in the funding  
 10 table in section 4601.

11 **TITLE XXIII—AIR FORCE**  
 12 **MILITARY CONSTRUCTION**

13 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 14 **LAND ACQUISITION PROJECTS.**

15 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 16 appropriated pursuant to the authorization of appropria-  
 17 tions in section 2304(a) and available for military con-  
 18 struction projects inside the United States as specified in  
 19 the funding table in section 4601, the Secretary of the  
 20 Air Force may acquire real property and carry out mili-  
 21 tary construction projects for the installations or locations  
 22 inside the United States, and in the amounts, set forth  
 23 in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Eielson Air Force Base .....	\$44,850,000
	Joint Base Elmendorf-Richardson	\$251,000,000

**Air Force: Inside the United States**—Continued

State	Installation or Location	Amount
Arizona .....	Davis-Monthan Air Force Base ....	\$13,400,000
	Luke Air Force Base .....	\$49,000,000
California .....	Vandenberg Space Force Base ....	\$67,000,000
Colorado .....	Schriever Space Force Base .....	\$30,000,000
District of Columbia .....	Joint Base Anacostia Bolling .....	\$24,000,000
Florida .....	Eglin Air Force Base .....	\$14,000,000
Georgia .....	Moody Air Force Base .....	\$12,500,000
Louisiana .....	Barksdale Air Force Base .....	\$272,000,000
Maryland .....	Joint Base Andrews .....	\$26,000,000
Massachusetts .....	Hanscom Air Force Base .....	\$66,000,000
Ohio .....	Wright-Patterson Air Force Base .....	\$24,000,000
Oklahoma .....	Tinker Air Force Base .....	\$160,000,000
South Carolina .....	Joint Base Charleston .....	\$59,000,000
South Dakota .....	Ellsworth Air Force Base .....	\$242,000,000
Tennessee .....	Arnold Air Force Base .....	\$14,600,000
Texas .....	Joint Base San Antonio .....	\$141,000,000
	Joint Base San Antonio–Lackland .....	\$29,000,000
	Joint Base San Antonio–Fort Sam Houston .....	\$29,000,000
	Sheppard Air Force Base .....	\$20,000,000
Virginia .....	Joint Base Langley Eustis .....	\$24,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a) and available for military con-  
4 struction projects outside the United States as specified  
5 in the funding table in section 4601, the Secretary of the  
6 Air Force may acquire real property and carry out mili-  
7 tary construction projects for the installations or locations  
8 outside the United States, and in the amounts, set forth  
9 in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Australia .....	Royal Australian Air Force Base Darwin .....	\$7,400,000
	Royal Australian Air Force Base Tindal .....	\$14,400,000
Guam .....	Joint Region Marianas .....	\$85,000,000
Italy .....	Aviano Air Force Base .....	\$10,200,000
Japan .....	Kadena Air Base .....	\$206,000,000
	Misawa Air Base .....	\$25,000,000
	Yokota Air Base .....	\$39,000,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$104,000,000

1 **SEC. 2302. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-  
3 ization of appropriations in section 2304(a) and available  
4 for military family housing functions as specified in the  
5 funding table in section 4601, the Secretary of the Air  
6 Force may carry out architectural and engineering serv-  
7 ices and construction design activities with respect to the  
8 construction or improvement of family housing units in an  
9 amount not to exceed \$10,458,000.

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
11 **UNITS.**

12 Subject to section 2825 of title 10, United States  
13 Code, and using amounts appropriated pursuant to the  
14 authorization of appropriations in section 2304(a) and  
15 available for military family housing functions as specified  
16 in the funding table in section 4601, the Secretary of the  
17 Air Force may improve existing military family housing  
18 units in an amount not to exceed \$105,258,000.

19 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
20 **FORCE.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
22 are hereby authorized to be appropriated for fiscal years  
23 beginning after September 30, 2021, for military con-  
24 struction, land acquisition, and military family housing  
25 functions of the Department of the Air Force, as specified  
26 in the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
 2 PROJECTS.—Notwithstanding the cost variations author-  
 3 ized by section 2853 of title 10, United States Code, and  
 4 any other cost variation authorized by law, the total cost  
 5 of all projects carried out under section 2301 of this Act  
 6 may not exceed the total amount authorized to be appro-  
 7 priated under subsection (a), as specified in the funding  
 8 table in section 4601.

9 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 10 **FISCAL YEAR 2017 PROJECTS.**

11 (a) EXTENSION.—Notwithstanding section 2002 of  
 12 the Military Construction Authorization Act for Fiscal  
 13 Year 2017 (division B of Public Law 114–328; 130 Stat.  
 14 2688), the authorizations set forth in the table in sub-  
 15 section (b), as provided in section 2301 of that Act (130  
 16 Stat. 2696), shall remain in effect until October 1, 2023,  
 17 or the date of the enactment of an Act authorizing funds  
 18 for military construction for fiscal year 2024, whichever  
 19 is later.

20 (b) TABLE.—The table referred to in subsection (a)  
 21 is as follows:

**Air Force: Extension of 2017 Project Authorizations**

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Germany .....	Ramstein Air Base .....	37 AS Squadron Operations/Aircraft Maintenance Unit	\$13,437,000

**Air Force: Extension of 2017 Project Authorizations**—Continued

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Guam .....	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2 .....	\$35,300,000
	Joint Region Marianas	APR—SATCOM C4I Facility .....	\$14,200,000
Japan .....	Kadena Air Base .....	APR—Replace Munitions Structures ...	\$19,815,000
	Yokota Air Base .....	C—130J Corrosion Control Hangar ...	\$23,777,000
	Yokota Air Base .....	Construct Combat Arms Training and Maintenance Facility .....	\$8,243,000
United Kingdom .....	Royal Air Force Croughton .....	Main Gate Complex	\$16,500,000

1 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF FISCAL**  
 2 **YEAR 2017 PROJECTS AT SPANGDAHLEM AIR**  
 3 **BASE, GERMANY.**

4 (a) **EXTENSION.**—Notwithstanding section 2002 of  
 5 the Military Construction Authorization Act for Fiscal  
 6 Year 2017 (division B of Public Law 114–328; 130 Stat.  
 7 2688), the authorizations set forth in the table in sub-  
 8 section (b), as provided in section 2902 of that Act (130  
 9 Stat. 2743), shall remain in effect until October 1, 2023,  
 10 or the date of the enactment of an Act authorizing funds  
 11 for military construction for fiscal year 2024, whichever  
 12 is later.

13 (b) **TABLE.**—The table referred to in subsection (a)  
 14 is as follows:

**Air Force: Extension of 2017 Project Authorizations**

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Germany .....	Spangdahlem Air Base	F/A-22 Low Observable/Composite Repair Fac .....	\$12,000,000
	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22 .....	\$2,700,000

1 **SEC. 2307. EXTENSION OF AUTHORIZATION OF FISCAL**  
 2 **YEAR 2017 PROJECT AT HANSCOM AIR FORCE**  
 3 **BASE, MASSACHUSETTS.**

4 (a) EXTENSION.—Notwithstanding section 2002 of  
 5 the Military Construction Authorization Act for Fiscal  
 6 Year 2017 (division B of Public Law 114–328; 130 Stat.  
 7 2688), the authorization set forth in the table in sub-  
 8 section (b), as provided in section 2301 of that Act (130  
 9 Stat. 2696), shall remain in effect until October 1, 2022,  
 10 or the date of the enactment of an Act authorizing funds  
 11 for military construction for fiscal year 2023, whichever  
 12 is later.

13 (b) TABLE.—The table referred to in subsection (a)  
 14 is as follows:

**Air Force: Extension of 2017 Project Authorization**

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Massachusetts	Hanscom Air Force Base .....	Construct Vandenberg Gate Complex .....	\$10,965,000

1 **SEC. 2308. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **FISCAL YEAR 2018 PROJECT AT TYNDALL AIR**  
3 **FORCE BASE, FLORIDA.**

4 In the case of the authorization contained in section  
5 2301(a) of the Military Construction Authorization Act  
6 for Fiscal Year 2018 (Division B of Public Law 115–91;  
7 131 Stat. 1825) for Tyndall Air Force Base, Florida, for  
8 construction of a fire station, as specified in the funding  
9 table in section 4601 of that Act (131 Stat. 2002), the  
10 Secretary of the Air Force may construct up to 3,588  
11 square meters of crash rescue or structural fire station.

12 **SEC. 2309. MODIFICATION OF AUTHORITY TO CARRY OUT**  
13 **FISCAL YEAR 2020 PROJECTS AT TYNDALL**  
14 **AIR FORCE BASE, FLORIDA.**

15 In the case of the authorization contained in section  
16 2912(a) of the Military Construction Authorization Act  
17 for Fiscal Year 2020 (Division B of Public Law 116–92;  
18 133 Stat. 1913) for Tyndall Air Force Base, Florida—

19 (1) for construction of Site Development, Utili-  
20 ties, and Demo Phase 1, as specified in the Natural  
21 Disaster Recovery Justification Book dated August  
22 2019, the Secretary of the Air Force may con-  
23 struct—

24 (A) up to 3,698 lineal meters of waste  
25 water;

1 (B) up to 6,306 lineal meters of storm  
2 water; and

3 (C) two emergency power backup genera-  
4 tors;

5 (2) for construction of Munitions Storage Fa-  
6 cilities, as specified in the Natural Disaster Recovery  
7 Justification Book dated August 2019, the Secretary  
8 of the Air Force may construct—

9 (A) up to 4,393 square meters of aircraft  
10 support equipment storage yard;

11 (B) up to 1,535 square meters of tactical  
12 missile maintenance facility; and

13 (C) up to 560 square meters of missile  
14 warhead assembly and maintenance shop and  
15 storage;

16 (3) for construction of 325th Fighting Wing  
17 HQ Facility, as specified in the funding table in sec-  
18 tion 4603 of that Act (133 Stat. 2103), the Sec-  
19 retary of the Air Force may construct up to 769  
20 square meters of separate administrative space for  
21 sexual assault prevention and response and sexual  
22 response coordinators;

23 (4) for construction of Deployment Center/  
24 Flight Line Dining/AAFES, as specified in such  
25 funding table, the Secretary of the Air Force may

1           construct up to 144 square meters of Army and Air  
2           Force Exchange Service shoppette;

3           (5) for construction of Flightline—Muns Stor-  
4           age, 7000 Area, as specified in such funding table,  
5           the Secretary of the Air Force may construct—

6           (A) up to 1,861 square meters of above  
7           ground magazines; and

8           (B) up to 530 square meters of air support  
9           equipment shop or storage facility pad;

10          (6) for construction of Site Development, Utili-  
11          ties, and Demo Phase 2, as specified in such funding  
12          table, the Secretary of the Air Force may con-  
13          struct—

14          (A) up to 5,233 lineal meters of storm  
15          water;

16          (B) up to 48,560 square meters of roads;

17          (C) up to 3,612 lineal meters of gas pipe-  
18          line; and

19          (D) up to 993 square meters of water fire  
20          pumping station with an emergency backup  
21          generator;

22          (7) for construction of Tyndall AFB Gate Com-  
23          plexes, as specified in such funding table, the Sec-  
24          retary of the Air Force may construct—

1 (A) up to 52,694 square meters of road-  
2 way with serpentines; and

3 (B) up to 20 active or passive barriers;

4 (8) for construction of Airfield Drainage, as  
5 specified in such funding table, the Secretary of the  
6 Air Force may construct—

7 (A) up to 18,931 meters of storm drain  
8 piping;

9 (B) up to 19,131 meters of box culvert;

10 (C) up to 3,704 meters of concrete block  
11 swale;

12 (D) up to 555 storm drain structures; and

13 (E) up to 81,500 square meters of storm  
14 drain ponds;

15 (9) for construction of 53 WEG Complex, as  
16 specified in the Natural Disaster Recovery Justifica-  
17 tion Book dated August 2019, the Secretary of the  
18 Air Force may construct—

19 (A) up to 1,693 square meters of aircraft  
20 maintenance shop;

21 (B) up to 1,458 square meters of fuel sys-  
22 tems maintenance dock; and

23 (C) up to 3,471 square meters of group  
24 headquarters;

1           (10) for construction of 53 WEG Subscale  
2 Drone Facility, as specified in the Natural Disaster  
3 Recovery Justification Book dated August 2019, the  
4 Secretary of the Air Force may construct up to 511  
5 square meters of pilotless aircraft shop in a separate  
6 facility;

7           (11) for construction of CE/Contracting/  
8 USACE Complex, as specified in the Natural Dis-  
9 aster Recovery Justification Book dated August  
10 2019, the Secretary of the Air Force may con-  
11 struct—

12                   (A) up to 557 square meters of base engi-  
13 neer storage shed 6000 area; and

14                   (B) up to 183 square meters of non-Air  
15 Force administrative office;

16           (12) for construction of Logistics Readiness  
17 Squadron Complex, as specified in the Natural Dis-  
18 aster Recovery Justification Book dated August  
19 2019, the Secretary of the Air Force may con-  
20 struct—

21                   (A) up to 802 square meters of supply ad-  
22 ministrative headquarters;

23                   (B) up to 528 square meters of vehicle  
24 wash rack; and

1 (C) up to 528 square meters of vehicle  
2 service rack;

3 (13) for construction of Fire Station Silver  
4 Flag #4, as specified in the Natural Disaster Recov-  
5 ery Justification Book dated August 2019, the Sec-  
6 retary of the Air Force may construct up to 651  
7 square meters of fire station; and

8 (14) for construction of AFCEC RDT&E, as  
9 specified in the Natural Disaster Recovery Justifica-  
10 tion Book dated August 2019, the Secretary of the  
11 Air Force may construct 545 square meters of CE  
12 Mat Test Runway Support Building, 1,593 square  
13 meters of Robotics Range Control Support Building,  
14 and 953 square meters of fire garage.

15 **TITLE XXIV—DEFENSE AGEN-**  
16 **CIES MILITARY CONSTRUC-**  
17 **TION**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts  
21 appropriated pursuant to the authorization of appropria-  
22 tions in section 2403(a) and available for military con-  
23 struction projects inside the United States as specified in  
24 the funding table in section 4601, the Secretary of De-  
25 fense may acquire real property and carry out military

1 construction projects for the installations or locations in-  
 2 side the United States, and in the amounts, set forth in  
 3 the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Redstone Arsenal .....	\$153,000,000
California .....	Camp Pendleton .....	\$13,600,000
	Silver Strand Training Complex .....	\$33,700,000
Colorado .....	Buckley Air Force Base .....	\$20,000,000
Georgia .....	Fort Benning .....	\$62,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$29,800,000
Maryland .....	Fort Meade .....	\$1,201,000,000
New Mexico .....	Kirtland Air Force Base .....	\$8,600,000
Virginia .....	Fort Belvoir .....	\$29,800,000
	Humphries Engineer Center and Support Activity.	\$36,000,000
	Pentagon .....	\$50,543,000
Washington .....	Oak Harbor .....	\$59,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2403(a) and available for military con-  
 7 struction projects outside the United States as specified  
 8 in the funding table in section 4601, the Secretary of De-  
 9 fense may acquire real property and carry out military  
 10 construction projects for the installations or locations out-  
 11 side the United States, and in the amounts, set forth in  
 12 the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Ramstein Air Base .....	\$93,000,000
Japan .....	Kadena Air Base .....	\$24,000,000
	Misawa Air Base .....	\$6,000,000
United Kingdom	Royal Air Force Lakenheath .....	\$19,283,000

1 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**  
 2 **SERVATION INVESTMENT PROGRAM**  
 3 **PROJECTS.**

4 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2403(a) and available for energy conserva-  
 7 tion projects as specified in the funding table in section  
 8 4601, the Secretary of Defense may carry out energy con-  
 9 servation projects under chapter 173 of title 10, United  
 10 States Code, for the installations or locations inside the  
 11 United States, and in the amounts, set forth in the fol-  
 12 lowing table:

**ERCIP Projects: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alabama .....	Fort Rucker .....	\$24,000,000
California .....	Marine Corps Air Station Miramar .....	\$4,054,000
	Naval Air Weapons Station China Lake/ Ridgecrest .....	\$9,120,000
District of Co- lumbia .....	Joint Base Anacostia Bolling .....	\$31,261,000
Florida .....	MacDill Air Force Base .....	\$22,000,000
Georgia .....	Fort Benning .....	\$17,593,000
	Fort Stewart .....	\$22,000,000
	Naval Submarine Base Kings Bay .....	\$19,314,000
Idaho .....	Mountain Home Air Force Base .....	\$33,800,000
Michigan .....	Camp Grayling .....	\$5,700,000
Mississippi .....	Camp Shelby .....	\$45,655,000
New York .....	Fort Drum .....	\$25,300,000
North Carolina ..	Fort Bragg .....	\$27,169,000
Ohio .....	Springfield-Beckley Municipal Airport .....	\$4,700,000
North Dakota .....	Cavalier Air Force Station .....	\$24,150,000
Puerto Rico .....	Aguadilla .....	\$10,120,000
	Fort Allen .....	\$12,190,000
Tennessee .....	Memphis International Airport .....	\$4,780,000
Virginia .....	Fort Belvoir, NGA Campus East .....	\$365,000
	National Geospatial-Intelligence Agency Campus East .....	\$5,299,000
	Pentagon, Mark Center, and Raven Rock Mountain Complex .....	\$2,600,000

13 (b) **OUTSIDE THE UNITED STATES.**—Using amounts  
 14 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a) and available for energy conserva-  
 2 tion projects as specified in the funding table in section  
 3 4601, the Secretary of Defense may carry out energy con-  
 4 servation projects under chapter 173 of title 10, United  
 5 States Code, for the installations or locations outside the  
 6 United States, and in the amounts, set forth in the fol-  
 7 lowing table:

**ERCIP Projects: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Guam .....	Polaris Point, Naval Base Guam .....	\$38,300,000
Japan .....	Naval Air Facility Atsugi .....	\$3,810,000
Kuwait .....	Camp Arifjan .....	\$15,000,000

8 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
 9 **FENSE AGENCIES.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
 11 are hereby authorized to be appropriated for fiscal years  
 12 beginning after September 30, 2021, for military con-  
 13 struction, land acquisition, and military family housing  
 14 functions of the Department of Defense (other than the  
 15 military departments), as specified in the funding table  
 16 in section 4601.

17 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**  
 18 **PROJECTS.**—Notwithstanding the cost variations author-  
 19 ized by section 2853 of title 10, United States Code, and  
 20 any other cost variation authorized by law, the total cost  
 21 of all projects carried out under section 2401 of this Act  
 22 may not exceed the total amount authorized to be appro-

1 priated under subsection (a), as specified in the funding  
 2 table in section 4601.

3 **SEC. 2404. EXTENSION OF AUTHORIZATION OF FISCAL**  
 4 **YEAR 2017 PROJECT AT YOKOTA AIR BASE,**  
 5 **JAPAN.**

6 (a) **EXTENSION.**—Notwithstanding section 2002 of  
 7 the Military Construction Authorization Act for Fiscal  
 8 Year 2017 (division B of Public Law 114–328; 130 Stat.  
 9 2688), the authorization set forth in the table in sub-  
 10 section (b), as provided in section 2401(b) of that Act  
 11 (130 Stat. 2700), shall remain in effect until October 1,  
 12 2023, or the date of the enactment of an Act authorizing  
 13 funds for military construction for fiscal year 2024, which-  
 14 ever is later.

15 (b) **TABLE.**—The table referred to in subsection (a)  
 16 is as follows:

**Defense Agencies: Extension of 2017 Project Authorization**

<b>Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Original Authorized Amount</b>
Japan .....	Yokota Air Base	Hangar/AMU .....	\$39,466,000

1       **TITLE XXV—INTERNATIONAL**  
2                   **PROGRAMS**  
3       **Subtitle A—North Atlantic Treaty**  
4           **Organization Security Invest-**  
5           **ment Program**

6       **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
7                   **ACQUISITION PROJECTS.**

8           The Secretary of Defense may make contributions for  
9 the North Atlantic Treaty Organization Security Invest-  
10 ment Program as provided in section 2806 of title 10,  
11 United States Code, in an amount not to exceed the sum  
12 of the amount authorized to be appropriated for this pur-  
13 pose in section 2502 and the amount collected from the  
14 North Atlantic Treaty Organization as a result of con-  
15 struction previously financed by the United States.

16       **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17           (a) AUTHORIZATION.—Funds are hereby authorized  
18 to be appropriated for fiscal years beginning after Sep-  
19 tember 30, 2021, for contributions by the Secretary of De-  
20 fense under section 2806 of title 10, United States Code,  
21 for the share of the United States of the cost of projects  
22 for the North Atlantic Treaty Organization Security In-  
23 vestment Program authorized by section 2501 as specified  
24 in the funding table in section 4601.

1 (b) AUTHORITY TO RECOGNIZE NATO AUTHORIZA-  
 2 TION AMOUNTS AS BUDGETARY RESOURCES FOR  
 3 PROJECT EXECUTION.—When the United States is des-  
 4 igned as the Host Nation for the purposes of executing  
 5 a project under the NATO Security Investment Program  
 6 (NSIP), the Department of Defense construction agent  
 7 may recognize the NATO project authorization amounts  
 8 as budgetary resources to incur obligations for the pur-  
 9 poses of executing the NSIP project.

10 **Subtitle B—Host Country In-Kind**  
 11 **Contributions**

12 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**  
 13 **PROJECTS.**

14 Pursuant to agreement with the Republic of Korea  
 15 for required in-kind contributions, the Secretary of De-  
 16 fense may accept military construction projects for the in-  
 17 stallations or locations in the Republic of Korea, and in  
 18 the amounts, set forth in the following table:

**Republic of Korea Funded Construction Projects**

<b>Component</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Army .....	Camp Humphreys	Unaccompanied Enlisted Personnel Housing .....	\$52,000,000
Army .....	Camp Humphreys	Type I Aircraft Parking Apron and Parallel Taxiway .....	\$48,000,000
Navy .....	Mujuk .....	Expeditionary Dining Facility .....	\$10,200,000
Air Force .....	Gimhae Air Base	Repair Contingency Hospital .....	\$75,000,000
Air Force .....	Osan Air Base ...	Munitions Storage Area Move Delta (Phase 2) ...	\$171,000,000

1 **SEC. 2512. REPUBLIC OF POLAND PROVIDED INFRASTRUC-**  
 2 **TURE PROJECTS.**

3 Pursuant to agreement with the Republic of Poland  
 4 for required in-kind contributions, the Secretary of De-  
 5 fense may accept military construction projects for the in-  
 6 stallations or locations in the Republic of Poland, and in  
 7 the amounts, set forth in the following table:

**Republic of Poland Provided Infrastructure Projects**

<b>Component</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Army .....	Poznan .....	Command and Control Facility .....	\$30,000,000
Army .....	Poznan .....	Information Systems Facility .....	\$7,000,000

8 **SEC. 2513. AUTHORIZATION TO ACCEPT CONTRIBUTIONS**  
 9 **FROM THE REPUBLIC OF KOREA IN THE**  
 10 **FORM OF AN IRREVOCABLE LETTER OF**  
 11 **CREDIT.**

12 In addition to any other authorized form of burden  
 13 sharing contribution, the Secretary of Defense may accept  
 14 contributions from the Republic of Korea, under authori-  
 15 ties available to the Secretary, in the form of an irrev-  
 16 ocable letter of credit issued by a financial institution ac-  
 17 ceptable to the Treasurer of the United States, for con-  
 18 struction of the Black Hat Intelligence Fusion Center,  
 19 Camp Humphreys, Republic of Korea, and for other mili-  
 20 tary construction projects within the Republic of Korea.

1 **TITLE XXVI—GUARD AND**  
 2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
 4 **STRUCTION AND LAND ACQUISITION**  
 5 **PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2606 and available for the National Guard  
 9 and Reserve as specified in the funding table in section  
 10 4601, the Secretary of the Army may acquire real prop-  
 11 erty and carry out military construction projects for the  
 12 Army National Guard locations inside the United States,  
 13 and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Huntsville Army National Guard .....	\$17,000,000
Connecticut .....	Putnam .....	\$17,500,000
Georgia .....	Fort Benning .....	\$13,200,000
Idaho .....	Jerome .....	\$15,000,000
Illinois .....	Bloomington .....	\$15,000,000
Kansas .....	Topeka .....	\$16,732,000
Louisiana .....	Lake Charles .....	\$18,500,000
Maine .....	Saco .....	\$21,200,000
Mississippi .....	Camp Shelby .....	\$15,500,000
Montana .....	Butte .....	\$16,000,000
Nebraska .....	Mead Training Site .....	\$11,000,000
North Dakota .....	Dickinson .....	\$15,500,000
Vermont .....	Bennington .....	\$16,900,000
Virginia .....	Troutville .....	\$13,000,000

14 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2606 and available for the National Guard  
 17 and Reserve as specified in the funding table in section  
 18 4601, the Secretary of the Army may acquire real prop-

1 erty and carry out military construction projects for the  
 2 installation or location outside the United States, and in  
 3 the amount, set forth in the following table:

**Army National Guard: Outside the United States**

Country	Installation or Location	Amount
Guam .....	Barrigada .....	\$34,000,000

4 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
 5 **AND LAND ACQUISITION PROJECTS.**

6 Using amounts appropriated pursuant to the author-  
 7 ization of appropriations in section 2606 and available for  
 8 the National Guard and Reserve as specified in the fund-  
 9 ing table in section 4601, the Secretary of the Army may  
 10 acquire real property and carry out military construction  
 11 projects for the Army Reserve locations inside the United  
 12 States, and in the amounts, set forth in the following  
 13 table:

**Army Reserve**

State	Location	Amount
Michigan .....	Southfield .....	\$12,000,000
Ohio .....	Wright-Patterson Air Force Base .....	\$19,000,000
Wisconsin .....	Fort McCoy .....	\$70,600,000

14 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 15 **CORPS RESERVE CONSTRUCTION AND LAND**  
 16 **ACQUISITION PROJECTS.**

17 Using amounts appropriated pursuant to the author-  
 18 ization of appropriations in section 2606 and available for  
 19 the National Guard and Reserve as specified in the fund-

1 ing table in section 4601, the Secretary of the Navy may  
 2 acquire real property and carry out military construction  
 3 projects for the Navy Reserve and Marine Corps Reserve  
 4 installations or locations inside the United States, and in  
 5 the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Installation or Location	Amount
Michigan .....	Battle Creek .....	\$49,090,000
Minnesota .....	Minneapolis Air Reserve Station .....	\$14,350,000

6 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 Using amounts appropriated pursuant to the author-  
 9 ization of appropriations in section 2606 and available for  
 10 the National Guard and Reserve as specified in the fund-  
 11 ing table in section 4601, the Secretary of the Air Force  
 12 may acquire real property and carry out military construc-  
 13 tion projects for the Air National Guard locations inside  
 14 the United States, and in the amounts, set forth in the  
 15 following table:

**Air National Guard**

State	Location	Amount
Alabama .....	Montgomery Regional Airport .....	\$19,200,000
	Sumpter Smith Air National Guard Base ...	\$7,500,000
Connecticut .....	Bradley International Airport .....	\$17,000,000
Delaware .....	New Castle County Aiport .....	\$17,500,000
Idaho .....	Boise Air Terminal (Gowen Field) .....	\$6,500,000
Illinois .....	Abraham Lincoln Capital Airport .....	\$10,200,000
Massachusetts .....	Barnes Municipal Airport .....	\$12,200,000
Michigan .....	Alpena County Regional Airport .....	\$23,000,000
	Selfridge Air National Guard Base .....	\$28,000,000
Mississippi .....	W.K. Kellogg Regional Airport .....	\$10,000,000
	Jackson International Airport .....	\$9,300,000
New York .....	Francis S. Gabreski Airport .....	\$14,800,000
	Schenectady Municipal Airport .....	\$10,800,000
Ohio .....	Camp Perry .....	\$7,800,000
South Carolina .....	McEntire Joint National Guard Base .....	\$18,800,000
South Dakota .....	Joe Foss Field .....	\$9,800,000

**Air National Guard**—Continued

<b>State</b>	<b>Location</b>	<b>Amount</b>
Texas .....	Kelly Field Annex .....	\$9,500,000
Washington .....	Camp Murray Air National Guard Station	\$27,000,000
Wisconsin .....	Truax Field .....	\$44,200,000
Wyoming .....	Cheyenne Municipal Airport .....	\$13,400,000

**1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2  
 3 Using amounts appropriated pursuant to the author-  
 4 ization of appropriations in section 2606 and available for  
 5 the National Guard and Reserve as specified in the fund-  
 6 ing table in section 4601, the Secretary of the Air Force  
 7 may acquire real property and carry out military construc-  
 8 tion projects for the Air Force Reserve locations inside  
 9 the United States, and in the amounts, set forth in the  
 10 following table:

**Air Force Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	Beale Air Force Base .....	\$33,000,000
Florida .....	Homestead Air Force Station .....	\$14,000,000
	Patrick Space Force Base .....	\$18,500,000
Indiana .....	Grissom Air Reserve Base .....	\$29,000,000
Minnesota .....	Minneapolis-St. Paul Air Reserve Sta- tion.	\$14,000,000
New York .....	Niagara Falls Air Reserve Station .....	\$10,600,000
Ohio .....	Youngstown Air Reserve Base .....	\$8,700,000

**11 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
**12 TIONAL GUARD AND RESERVE.**

13 Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2021, for the  
 15 costs of acquisition, architectural and engineering services,  
 16 and construction of facilities for the Guard and Reserve

1 Forces, and for contributions therefor, under chapter  
2 1803 of title 10, United States Code (including the cost  
3 of acquisition of land for those facilities), as specified in  
4 the funding table in section 4601.

5 **TITLE XXVII—BASE REALIGN-**  
6 **MENT AND CLOSURE ACTIVI-**  
7 **TIES**

8 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
9 **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
10 **TIES FUNDED THROUGH DEPARTMENT OF**  
11 **DEFENSE BASE CLOSURE ACCOUNT.**

12 Funds are hereby authorized to be appropriated for  
13 fiscal years beginning after September 30, 2021, for base  
14 realignment and closure activities, including real property  
15 acquisition and military construction projects, as author-  
16 ized by the Defense Base Closure and Realignment Act  
17 of 1990 (part A of title XXIX of Public Law 101–510;  
18 10 U.S.C. 2687 note) and funded through the Department  
19 of Defense Base Closure Account established by section  
20 2906 of such Act (as amended by section 2711 of the Mili-  
21 tary Construction Authorization Act for Fiscal Year 2013  
22 (division B of Public Law 112–239; 126 Stat. 2140)), as  
23 specified in the funding table in section 4601.

1 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**  
2 **BASE REALIGNMENT AND CLOSURE (BRAC)**  
3 **ROUND.**

4 Nothing in this Act shall be construed to authorize  
5 an additional Base Realignment and Closure (BRAC)  
6 round.

7 **TITLE XXVIII—MILITARY CON-**  
8 **STRUCTION AND GENERAL**  
9 **PROVISIONS**  
10 **Subtitle A—Military Construction**  
11 **Program**

12 **SEC. 2801. CLARIFICATION OF ESTABLISHMENT OF THE OF-**  
13 **FICE OF LOCAL DEFENSE COMMUNITY CO-**  
14 **OPERATION AS A DEPARTMENT OF DEFENSE**  
15 **FIELD ACTIVITY.**

16 (a) TRANSFER TO CHAPTER 8.—Section 146 of title  
17 10, United States Code, is transferred to subchapter I of  
18 chapter 8 of such title, inserted after section 197, and re-  
19 designated as section 198.

20 (b) ESTABLISHMENT AS DEPARTMENT OF DEFENSE  
21 FIELD ACTIVITY.—Section 198(a) of such title, as trans-  
22 ferred and redesignated by subsection (a), is amended by  
23 striking “in the Office of the Secretary of Defense” and  
24 inserting “established as a Department of Defense Field  
25 Activity”.

1 (c) APPOINTMENT OF DIRECTOR.—Such section 198  
2 is further amended—

3 (1) in subsection (b) in the matter preceding  
4 paragraph (1), by striking “Under Secretary of De-  
5 fense for Acquisition and Sustainment” and insert-  
6 ing “Secretary of Defense”; and

7 (2) in subsection (c)(4), by striking “Under  
8 Secretary of Defense for Acquisition and  
9 Sustainment” and inserting “Secretary”.

10 (d) CONFORMING AND CLERICAL AMENDMENTS.—

11 (1) CONFORMING AMENDMENTS.—Section 905  
12 of the William M. (Mac) Thornberry National De-  
13 fense Authorization Act for Fiscal Year 2021 (Pub-  
14 lic Law 116–283) is amended—

15 (A) in subsection (b), by striking “section  
16 146” and inserting “section 198”; and

17 (B) in subsection (c), by striking “section  
18 146” and inserting “section 198”.

19 (2) CLERICAL AMENDMENTS.—

20 (A) CHAPTER 4.—The table of sections at  
21 the beginning of chapter 4 of title 10, United  
22 States Code, is amended by striking the item  
23 relating to section 146.

24 (B) CHAPTER 8.—The table of sections at  
25 the beginning of subtitle I of chapter 8 of such

1 title is amended by inserting after the item re-  
2 relating to section 197 the following new item:

“198. Office of Local Defense Community Cooperation”.

3 **SEC. 2802. USE OF AMOUNTS AVAILABLE FOR OPERATION**  
4 **AND MAINTENANCE IN CARRYING OUT MILI-**  
5 **TARY CONSTRUCTION PROJECTS FOR EN-**  
6 **ERGY RESILIENCE, ENERGY SECURITY, OR**  
7 **ENERGY CONSERVATION.**

8 Section 2914 of title 10, United States Code, is  
9 amended—

10 (1) by redesignating subsections (c) and (d) as  
11 subsections (d) and (e), respectively; and

12 (2) by inserting after subsection (b) the fol-  
13 lowing new subsection (c):

14 “(c) **ALTERNATIVE FUNDING SOURCE.**—(1) In addi-  
15 tion to the authority under section 2805(e) of this title,  
16 in carrying out a military construction project for energy  
17 resilience, energy security, or energy conservation under  
18 this section, the Secretary concerned may use amounts  
19 available for operation and maintenance for the military  
20 department concerned if the Secretary concerned submits  
21 to the congressional defense committees a notification of  
22 the decision to carry out the project using such amounts  
23 and includes in the notification—

24 “(A) the current estimate of the cost of the  
25 project;

1           “(B) the source of funds for the project; and

2           “(C) a certification that deferring the project  
3 pending the availability of funds appropriated for or  
4 otherwise made available for military construction  
5 would be inconsistent with the timely assurance of  
6 energy resilience, energy security, or energy con-  
7 servation for one or more critical national security  
8 functions.

9           “(2) A project carried out under this section using  
10 amounts under paragraph (1) may be carried out only  
11 after the end of the seven-day period beginning on the date  
12 on which a copy of the notification described in paragraph  
13 (1) is provided in an electronic medium pursuant to sec-  
14 tion 480 of this title.

15           “(3) The maximum aggregate amount that the Sec-  
16 retary concerned may obligate from amounts available to  
17 the military department concerned for operation and  
18 maintenance in any fiscal year for projects under the au-  
19 thority of this subsection is \$100,000,000.”.

1           **Subtitle B—Military Family**  
2                           **Housing**

3   **SEC. 2811. COMMAND OVERSIGHT OF MILITARY**  
4                           **PRIVATIZED HOUSING AS ELEMENT OF PER-**  
5                           **FORMANCE EVALUATIONS.**

6           (a) **EVALUATIONS IN GENERAL.**—Each Secretary of  
7 a military department shall ensure that the performance  
8 evaluations of any individual described in subsection (b)  
9 under the jurisdiction of such Secretary provides for an  
10 assessment of the extent to which such individual has or  
11 has not exercised effective oversight and leadership in the  
12 following:

13                   (1) Improving conditions of privatized housing  
14                   under subchapter IV of chapter 169 of title 10,  
15                   United States Code.

16                   (2) Addressing concerns with respect to such  
17                   housing of members of the Armed Forces and their  
18                   families who reside in such housing on an installa-  
19                   tion of the military department concerned.

20           (b) **COVERED INDIVIDUALS.**—The individuals de-  
21 scribed in this subsection are as follows:

22                   (1) The commander of an installation of a mili-  
23                   tary department at which on-installation housing is  
24                   managed by a landlord of privatized housing under

1 subchapter IV of chapter 169 of title 10, United  
2 States Code.

3 (2) Each officer or senior enlisted member of  
4 the Armed Forces at an installation described in  
5 paragraph (1) whose duties include facilities or  
6 housing management at such installation.

7 (3) Any other officer or enlisted member of the  
8 Armed Forces (whether or not at an installation de-  
9 scribed in paragraph (1)) as specified by the Sec-  
10 retary of the military department concerned for pur-  
11 poses of this section.

12 **SEC. 2812. CLARIFICATION OF PROHIBITION AGAINST COL-**  
13 **LECTION FROM TENANTS OF PRIVATIZED**  
14 **MILITARY HOUSING UNITS OF AMOUNTS IN**  
15 **ADDITION TO RENT AND APPLICATION OF EX-**  
16 **ISTING LAW.**

17 (a) CLARIFICATION OF PROHIBITION.—

18 (1) IN GENERAL.—Section 2891a(e) of title 10,  
19 United States Code, is amended—

20 (A) by striking “the any” each place it ap-  
21 pears and inserting “any”; and

22 (B) by adding at the end the following new  
23 paragraph:

24 “(3) Costs incurred to modify or upgrade a housing  
25 unit to comply with standards under the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and  
2 facilitate occupancy of the housing unit by an individual  
3 with a disability (as defined in section 3 of such Act (42  
4 U.S.C. 12102)) may not be considered optional services  
5 under paragraph (2)(A)(i) or another exception to the pro-  
6 hibition in paragraph (1) against collection from tenants  
7 of housing units of amounts in addition to rent.”.

8           (2) APPLICATION.—The amendment made by  
9 paragraph (1)(B) shall apply to contracts described  
10 in section 2891a(a) of title 10, United States Code,  
11 entered into on or after the date of the enactment  
12 of this Act.

13           (b) APPLICATION OF EXISTING LAW.—Section 2891a  
14 of title 10, United States Code, is amended by adding at  
15 the end the following new subsection:

16           “(f) APPLICATION OF EXISTING LAW.—The Sec-  
17 retary of Defense shall ensure that, in carrying out sub-  
18 sections (c) and (d), the head of each housing manage-  
19 ment office of an installation and each landlord providing  
20 a housing unit, as the case may be, comply with the fol-  
21 lowing:

22                   “(1) Section 804 of the Fair Housing Act (42  
23 U.S.C. 3604).

24                   “(2) Section 504 of the Rehabilitation Act of  
25 1973 (29 U.S.C. 794).

1           “(3) Title III of the Americans with Disabilities  
2           Act of 1990 (42 U.S.C. 12181 et seq.).”.

3 **SEC. 2813. MODIFICATION OF CALCULATION OF MILITARY**  
4           **HOUSING CONTRACTOR PAY FOR**  
5           **PRIVATIZED MILITARY HOUSING.**

6           Section 606(a) of the John S. McCain National De-  
7           fense Authorization Act for Fiscal Year 2019 (Public Law  
8           115–232; 10 U.S.C. 2871 note) is amended—

9           (1) in paragraph (1)(B)—

10           (A) by striking “2.5 percent” and inserting  
11           “50 percent”; and

12           (B) by striking “section 403(b)(3)(A)(i)”  
13           and inserting “section 403(b)(3)(A)(ii)”; and

14           (2) in paragraph (2)(B)—

15           (A) by striking “2.5 percent” and inserting  
16           “50 percent”; and

17           (B) by striking “section 403(b)(3)(A)(i)”  
18           and inserting “section 403(b)(3)(A)(ii)”.

19 **SEC. 2814. MODIFICATION OF REQUIREMENTS RELATING**  
20           **TO WINDOW FALL PREVENTION DEVICES AT**  
21           **MILITARY FAMILY HOUSING.**

22           (a) RETROFITTING OF EXISTING HOUSING UNITS.—

23           (1) IN GENERAL.—On the date of the enact-  
24           ment of this Act, the Secretary of Defense shall  
25           begin retrofitting windows at existing military family

1 housing units acquired or constructed under chapter  
2 169 of title 10, United States Code, with fall preven-  
3 tion devices or replacement of such windows with  
4 windows equipped with such devices pursuant to the  
5 program under subsection (b) of section 2879 of  
6 such title.

7 (2) REPORT.—Not later than 90 days after the  
8 date of the enactment of this Act, the Secretary of  
9 Defense shall submit to Congress a report that sets  
10 forth a plan to complete retrofitting or replacement  
11 of windows as described in subsection (a) by not  
12 later than one year after such date of enactment.

13 (b) EXCLUSION OF WINDOW OPENING CONTROL DE-  
14 VICES AS APPROVED DEVICES.—Section 2879(a)(3) of  
15 title 10, United States Code, is amended—

16 (1) by striking “or guard” and inserting “,  
17 guard, or other passive barrier”; and

18 (2) by inserting before the period at the end the  
19 following: “, excluding a window opening control de-  
20 vice”.

## 21 **Subtitle C—Land Conveyances**

### 22 **SEC. 2821. LAND CONVEYANCE, ST. LOUIS, MISSOURI.**

23 (a) CONVEYANCE AUTHORIZED.—

1           (1) CONVEYANCE TO LAND CLEARANCE FOR  
2 REDEVELOPMENT AUTHORITY OF THE CITY OF ST.  
3 LOUIS.—

4           (A) IN GENERAL.—The Secretary of the  
5 Air Force (in this section referred to as the  
6 “Secretary”) may convey to the Land Clearance  
7 for Redevelopment Authority of the City of St.  
8 Louis (in this section referred to as the “Au-  
9 thority”), on behalf of the United States, all  
10 right, title, and interest of the United States in  
11 and to the parcel of land described in para-  
12 graph (2) for purposes of redevelopment by the  
13 Authority.

14           (B) LIMITATION.—The Secretary may con-  
15 vey only that portion of the parcel of land de-  
16 scribed in paragraph (2) to the Authority that  
17 is declared excess to the Department of De-  
18 fense.

19           (2) PARCEL OF LAND DESCRIBED.—

20           (A) IN GENERAL.—The parcel of land de-  
21 scribed in this paragraph is approximately 24  
22 acres of land located at 3200 S. 2nd Street, St.  
23 Louis, Missouri, and includes all improvements  
24 to the land.

1           (B) LEGAL DESCRIPTION.—The exact  
2           acreage and legal description of the property to  
3           be conveyed under paragraph (1) shall be deter-  
4           mined by a survey satisfactory to the Secretary  
5           and the Authority.

6           (b) TERMS OF CONVEYANCE.—

7           (1) INSTRUMENT AND CONDITIONS.—

8           (A) IN GENERAL.—The conveyance under  
9           subsection (a)(1) shall be accomplished using a  
10          quitclaim deed or other legal instrument and  
11          upon terms and conditions satisfactory to the  
12          Secretary, including such additional terms and  
13          conditions as the Secretary considers appro-  
14          priate to protect the interests of the United  
15          States.

16          (B) ENVIRONMENTAL CONDITIONS.—The  
17          conveyance under subsection (a)(1) may include  
18          conditions, restrictions, or covenants related the  
19          environmental condition of the property, which  
20          shall not adversely interfere with the use of ex-  
21          isting structures and the development of the  
22          site for commercial or industrial uses.

23          (C) HISTORICAL PROPERTY CONDITIONS.—  
24          The conveyance under subsection (a)(1) may in-  
25          clude conditions, restrictions, or covenants to

1 ensure preservation of historic property, not-  
2 withstanding the effect such conditions, restric-  
3 tions, or covenants may have on reuse of the  
4 site.

5 (2) CONDUCT OF REMEDIATION.—

6 (A) IN GENERAL.—The Secretary shall  
7 conduct all remediation at the parcel of land  
8 conveyed under subsection (a)(1) pursuant to  
9 approved activities under the Comprehensive  
10 Environmental Response, Compensation, and  
11 Liability Act of 1980 (42 U.S.C. 9601 et seq.)  
12 and the Defense Environmental Restoration  
13 Program under section 2701 of title 10, United  
14 States Code.

15 (B) COMPLETION OF REMEDIATION.—The  
16 Secretary shall complete all remediation at the  
17 parcel of land conveyed under subsection (a)(1)  
18 in accordance with the requirements selected in  
19 the Record of Decision, Scott Air Force Base  
20 Environmental Restoration Program Site  
21 SS018, National Imagery and Mapping Agency,  
22 Second Street, dated August 2019.

23 (c) COSTS OF CONVEYANCE.—

24 (1) IN GENERAL.—There is authorized to be  
25 appropriated to the Secretary \$2,000,000 for admin-

1        administrative expenses incurred by the Secretary to carry  
2        out the conveyance under subsection (a)(1), includ-  
3        ing survey costs and other administrative costs re-  
4        lated to the conveyance.

5            (2)    EXCLUSION.—Administrative    expenses  
6        under paragraph (1) do not include any expenditures  
7        authorized under an environmental restoration ac-  
8        count under section 2703(a) of title 10, United  
9        States Code.

10        (d) COMPLIANCE WITH EXISTING LAW.—The con-  
11        veyance under subsection (a) shall be in compliance with  
12        division A of subtitle III of title 54, United States Code  
13        (formerly known as the “National Historic Preservation  
14        Act”).

15        (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
16        tion shall be construed to affect or limit the application  
17        of, or any obligation to comply with, the Comprehensive  
18        Environmental Response, Compensation, and Liability Act  
19        of 1980 (42 U.S.C. 9601 et seq.).

20    **SEC. 2822. LAND CONVEYANCE, SAINT JOSEPH, MISSOURI.**

21        (a) CONVEYANCE AUTHORIZED.—At such time as the  
22        Missouri Air National Guard vacates their existing loca-  
23        tion on the southern end of the airfield at Rosecrans Me-  
24        morial Airport in Saint Joseph, Missouri, as determined  
25        by the Secretary of the Air Force (in this section referred

1 to as the “Secretary”), the Secretary may convey to the  
2 City of Saint Joseph (in this section referred to as the  
3 “City”) all right, title, and interest of the United States  
4 in and to a parcel of real property, including any improve-  
5 ments thereon, consisting of approximately 54 acres at the  
6 Rosecrans Air National Guard Base in Saint Joseph, Mis-  
7 souri, for the purpose of removing the property from the  
8 boundaries of the Rosecrans Air National Guard Base and  
9 accommodating the operations and maintenance needs of  
10 the Rosecrans Memorial Airport as well as the develop-  
11 ment of the parcels and buildings for economic purposes.

12 (b) CONDITION OF CONVEYANCE.—The conveyance  
13 under subsection (a) shall be subject to valid existing  
14 rights and the City shall accept the real property (and any  
15 improvements thereon) in its condition at the time of the  
16 conveyance (commonly known as a conveyance “as is”).

17 (c) CONSIDERATION.—

18 (1) REQUIREMENT.—As consideration for the  
19 conveyance of the property under subsection (a), the  
20 City shall provide the United States an amount that  
21 is equivalent to the fair market value of the right,  
22 title, and interest conveyed under subsection (a)  
23 based on an appraisal approved by the Secretary.

24 (2) TYPES OF CONSIDERATION.—

1           (A) IN GENERAL.—Except as provided in  
2           subparagraph (B), the consideration required to  
3           be provided under paragraph (1) may be pro-  
4           vided by land exchange, in-kind consideration  
5           described in subparagraph (D), or a combina-  
6           tion thereof.

7           (B) LESS THAN FAIR MARKET VALUE.—If  
8           the value of the land exchange or in-kind con-  
9           sideration provided under subparagraph (A) is  
10          less than the fair market value of the property  
11          interest to be conveyed under subsection (a),  
12          the City shall pay to the United States an  
13          amount equal to the difference between the fair  
14          market value of the property interest and the  
15          value of the consideration provided under sub-  
16          paragraph (A).

17          (C) CASH CONSIDERATION.—Any cash  
18          consideration received by the United States  
19          under this subsection shall be deposited in the  
20          special account in the Treasury established  
21          under section 572(b)(5) of title 40, United  
22          States Code, and available in accordance with  
23          the provisions of subparagraph (B)(ii) of such  
24          section.

1           (D) IN-KIND CONSIDERATION.—In-kind  
2           consideration described in this subparagraph  
3           may include the construction, provision, im-  
4           provement, alteration, protection, maintenance,  
5           repair, or restoration (including environmental  
6           restoration), or a combination thereof, of any  
7           facilities or infrastructure relating to the needs  
8           of the Missouri Air National Guard at Rose-  
9           crans Air National Guard Base that the Sec-  
10          retary considers appropriate.

11         (d) PAYMENT OF COSTS OF CONVEYANCE.—

12           (1) PAYMENT REQUIRED.—The Secretary may  
13           require the City to cover all costs to be incurred by  
14           the Secretary, or to reimburse the Secretary for  
15           costs incurred by the Secretary, to carry out the  
16           conveyance under subsection (a), including survey  
17           costs, costs related to environmental documentation,  
18           and any other administrative costs related to the  
19           conveyance. If amounts paid by the City to the Sec-  
20           retary in advance exceed the costs actually incurred  
21           by the Secretary to carry out the conveyance, the  
22           Secretary shall refund the excess amount to the  
23           City.

24           (2) TREATMENT OF AMOUNTS RECEIVED.—  
25           Amounts received under paragraph (1) as reim-



1 this section referred to as the “City”), all right, title, and  
2 interest of the United States in and to a parcel of real  
3 property, including any improvements thereon, consisting  
4 of approximately 30 acres, known as the former Fort  
5 Macon Housing Area, located within the City limits.

6 (b) INTERIM LEASE.—Until such time as the real  
7 property described in subsection (a) is conveyed to the  
8 City, the Secretary may lease the property to the City for  
9 20 years.

10 (c) CONSIDERATION.—

11 (1) IN GENERAL.—As consideration for the con-  
12 veyance under subsection (a) and interim lease  
13 under subsection (b), the City shall pay to the Sec-  
14 retary an amount that is not less than the fair mar-  
15 ket value of the property conveyed, as determined by  
16 the Secretary, whether by cash payment, in-kind  
17 consideration as described under paragraph (2), or  
18 a combination thereof.

19 (2) IN-KIND CONSIDERATION.—In-kind consid-  
20 eration provided by the City under this subsection  
21 may include the acquisition, construction, provision,  
22 improvement, maintenance, repair, or restoration  
23 (including environmental restoration), or combina-  
24 tion thereof, of any facilities or infrastructure, or de-  
25 livery of services relating to the needs of Marine

1 Corps Air Station Cherry Point, North Carolina,  
2 that the Secretary considers acceptable.

3 (3) DISPOSITION OF AMOUNTS.—

4 (A) CONVEYANCE.—Amounts received by  
5 the Secretary in exchange for the fee title of the  
6 real property described in subsection (a) shall  
7 be deposited in the special account in the  
8 Treasury established under section 572(b)(5) of  
9 title 40, United States Code, and shall be avail-  
10 able in accordance with subparagraph (B)(ii) of  
11 such section.

12 (B) INTERIM LEASE.—Amounts received  
13 by the Secretary for the interim lease of the  
14 real property described in subsection (a) shall  
15 be deposited in the special account in the  
16 Treasury established for the Secretary under  
17 subsection (e) of section 2667 of title 10,  
18 United States Code, and shall be available for  
19 use in accordance with paragraph (1)(D) of  
20 such subsection.

21 (d) PAYMENT OF COSTS OF CONVEYANCE.—

22 (1) IN GENERAL.—The Secretary shall require  
23 the City to cover costs (except costs for environ-  
24 mental remediation of the property) to be incurred  
25 by the Secretary, or to reimburse the Secretary for

1 such costs incurred by the Secretary, to carry out  
2 the conveyance under subsection (a) and interim  
3 lease under subsection (b), including costs for envi-  
4 ronmental and real estate due diligence and any  
5 other administrative costs related to the conveyance.

6 (2) REFUND OF EXCESS AMOUNTS.—If  
7 amounts are collected from the City under para-  
8 graph (1) in advance of the Secretary incurring the  
9 actual costs, and the amount collected exceeds the  
10 costs actually incurred by the Secretary to carry out  
11 the conveyance under subsection (a) and interim  
12 lease under subsection (b), the Secretary shall re-  
13 fund the excess amount to the City.

14 (e) CONDITION OF CONVEYANCE.—Conveyance of  
15 real property shall be subject to all existing easements,  
16 restrictions, and covenants of record and conditioned upon  
17 the following:

18 (1) Real property shall be used for municipal  
19 park and recreational purposes, which may include  
20 ancillary uses such as vending and restrooms.

21 (2) The City shall not use Federal funds to  
22 cover any portion of the amounts required by sub-  
23 sections (c) and (d) to be paid by the City.

24 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the property to be conveyed under

1 subsection (a) shall be determined by a survey satisfactory  
2 to the Secretary.

3 (g) EXCLUSION OF REQUIREMENTS FOR PRIOR  
4 SCREENING BY GENERAL SERVICES ADMINISTRATION  
5 FOR ADDITIONAL FEDERAL USE.—Section 2696(b) of  
6 title 10, United States Code, does not apply to the convey-  
7 ance of real property authorized under subsection (a).

8 (h) ADDITIONAL TERMS.—The Secretary may re-  
9 quire such additional terms and conditions in connection  
10 with the conveyance under subsection (a) as the Secretary  
11 considers appropriate to protect the interests of the  
12 United States.

13 **SEC. 2824. LAND CONVEYANCE, NAVAL AIR STATION**  
14 **OCEANA, VIRGINIA BEACH, VIRGINIA.**

15 (a) CONVEYANCE AUTHORIZED.—

16 (1) IN GENERAL.—The Secretary of the Navy  
17 (in this section referred to as the “Secretary”) may  
18 convey to the City of Virginia Beach, Virginia (in  
19 this section referred to as the “City”), all right,  
20 title, and interest of the United States in and to a  
21 parcel of real property located at 4200 C Avenue,  
22 Virginia Beach, Virginia, including any improve-  
23 ments thereon, consisting of approximately 8 acres.

24 (2) AUTHORITY TO VOID LAND USE RESTRIC-  
25 TIONS.—The Secretary may void any land use re-

1        restrictions associated with the property to be con-  
2        veyed under paragraph (1).

3        (b) CONSIDERATION.—

4            (1) IN GENERAL.—As consideration for the con-  
5        veyance under subsection (a)(1), the City shall pay  
6        to the Secretary an amount that is not less than the  
7        fair market value of the property conveyed, as deter-  
8        mined by the Secretary, whether by cash payment,  
9        in-kind consideration as described in paragraph (2),  
10       or a combination thereof.

11           (2) IN-KIND CONSIDERATION.—In-kind consid-  
12       eration provided by the City under this subsection  
13       may include the acquisition, construction, provision,  
14       improvement, maintenance, repair, or restoration  
15       (including environmental restoration), or combina-  
16       tion thereof, of any facilities or infrastructure, or de-  
17       livery of services relating to the needs of Naval Air  
18       Station Oceana, Virginia, that the Secretary con-  
19       siders acceptable.

20           (3) DISPOSITION OF FUNDS.—Cash received in  
21       exchange for the fee title of the property conveyed  
22       under subsection (a)(1) shall be deposited in the spe-  
23       cial account in the Treasury established under sub-  
24       paragraph (A) of section 572(b)(5) of title 40,  
25       United States Code, and shall be available for use in

1 accordance with subparagraph (B)(ii) of such sec-  
2 tion.

3 (c) PAYMENT OF COSTS OF CONVEYANCE.—

4 (1) PAYMENT REQUIRED.—The Secretary shall  
5 require the City to cover costs to be incurred by the  
6 Secretary, or to reimburse the Secretary for costs in-  
7 curred by the Secretary, to carry out the conveyance  
8 under subsection (a)(1), including costs related to  
9 environmental and real estate due diligence, and any  
10 other administrative costs related to the conveyance.

11 (2) REFUND OF EXCESS AMOUNTS.—If  
12 amounts are collected under paragraph (1) in ad-  
13 vance of the Secretary incurring the actual costs,  
14 and the amount collected exceeds the costs actually  
15 incurred by the Secretary to carry out the convey-  
16 ance under subsection (a)(1), the Secretary shall re-  
17 fund the excess amount to the City.

18 (3) TREATMENT OF AMOUNTS RECEIVED.—  
19 Amounts received as reimbursement under para-  
20 graph (1) shall be credited to the fund or account  
21 that was used to cover the costs incurred by the Sec-  
22 retary in carrying out the conveyance under sub-  
23 section (a)(1). Amounts so credited shall be merged  
24 with amounts in such fund or account and shall be  
25 available for the same purposes, and subject to the

1 same conditions and limitations, as amounts in such  
2 fund or account.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of the parcel of real property to be  
5 conveyed under subsection (a)(1) shall be determined by  
6 a survey satisfactory to the Secretary.

7 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
8 Secretary may require such additional terms and condi-  
9 tions in connection with the conveyance under subsection  
10 (a)(1) as the Secretary considers appropriate to protect  
11 the interests of the United States.

## 12 **Subtitle D—Other Matters**

### 13 **SEC. 2831. CONSIDERATION OF PUBLIC EDUCATION WHEN** 14 **MAKING BASING DECISIONS.**

15 (a) IN GENERAL.—Section 2883 of the William M.  
16 (Mac) Thornberry National Defense Authorization Act for  
17 Fiscal Year 2021 (Public Law 116–283) is amended—

18 (1) by redesignating subsections (e) through (j)  
19 as subsections (f) through (k), respectively; and

20 (2) by inserting after subsection (d) the fol-  
21 lowing new subsection (e):

22 “(e) EDUCATION.—With regard to the military hous-  
23 ing area in which an installation subject to a basing deci-  
24 sion covered by subsection (a) is or will be located, the  
25 Secretary of the military department concerned shall take

1 into account the extent to which high-quality public edu-  
2 cation is available and accessible to dependents of mem-  
3 bers of the Armed Forces in the military housing area by  
4 comparing the progress of students served by relevant  
5 local educational agencies in the State in which the instal-  
6 lation and military housing area are located under the  
7 statewide accountability system described in section 1111  
8 of the Elementary and Secondary Education Act of 1965  
9 (20 U.S.C. 6311) as compared to the progress of all stu-  
10 dents in such State under such system.”.

11 (b) CONFORMING AMENDMENT.—Subsection (a) of  
12 such section is amended by striking “subsection (e)” and  
13 inserting “subsection (f)”.

14 **SEC. 2832. DESIGNATION OF FACILITY AT ROCK ISLAND AR-**  
15 **SENAL, ILLINOIS.**

16 The Secretary of the Army shall designate a facility  
17 located at Rock Island Arsenal, Illinois, to be named after  
18 Charles Carroll Smith, in recognition of his significant  
19 public service contributions.

20 **SEC. 2833. IMPROVEMENT OF SECURITY OF LODGING AND**  
21 **LIVING SPACES ON MILITARY INSTALLA-**  
22 **TIONS.**

23 (a) ASSESSMENT.—Not later than 60 days after the  
24 date of the enactment of this Act, the Secretary of Defense  
25 shall conduct an assessment of all on-base dormitories and

1 barracks at military installations for purposes of identi-  
2 fying—

3           (1) locking mechanisms on points of entry into  
4 the main facility, including doors and windows, or  
5 interior doors leading into private sleeping areas  
6 that require replacing or repairing;

7           (2) areas, such as exterior sidewalks, entry  
8 points, and other public areas where closed-circuit  
9 television security cameras should be installed; and

10           (3) other passive security measures, such as ad-  
11 ditional lighting, that may be necessary to prevent  
12 crime, including sexual assault.

13       (b) EMERGENCY REPAIRS.—The Secretary shall  
14 make any necessary repairs of broken locks or other safety  
15 mechanisms discovered during the assessment conducted  
16 under subsection (a) not later than 30 days after discov-  
17 ering the issue.

18       (c) REPORT.—

19           (1) IN GENERAL.—Not later than 270 days  
20 after the date of the enactment of this Act, the Sec-  
21 retary shall submit to the congressional defense com-  
22 mittees a report on the results of the assessment  
23 conducted under subsection (a).

24           (2) ELEMENTS.—The report under paragraph  
25 (1) shall include—

1 (A) a cost estimate to make any improve-  
2 ments recommended pursuant to the assess-  
3 ment under subsection (a), disaggregated by  
4 military department and installation; and

5 (B) an estimated schedule for making such  
6 improvements.

7 **SEC. 2834. EXPANSION OF AUTHORITY OF SECRETARY OF**  
8 **THE NAVY TO LEASE AND LICENSE NAVY MU-**  
9 **SEUM FACILITIES TO GENERATE REVENUE**  
10 **TO SUPPORT MUSEUM ADMINISTRATION AND**  
11 **OPERATIONS.**

12 (a) INCLUSION OF ALL NAVY MUSEUMS.—Section  
13 2852 of the Military Construction Authorization Act for  
14 Fiscal Year 2006 (division B of Public Law 109–163; 119  
15 Stat. 3530) is amended—

16 (1) in subsection (a)—

17 (A) by striking “the Naval Historical  
18 Foundation any portion of the facilities located  
19 at the Washington Naval Yard, District of Co-  
20 lumbia, that house the United States Navy Mu-  
21 seum” and inserting “a foundation established  
22 to support a Navy museum any portion of the  
23 facilities of that Navy museum”;

24 (B) by striking “the Foundation” and in-  
25 serting “the foundation”; and

1 (C) by striking “the United States Navy  
2 Museum” both places it appears and inserting  
3 “that Navy museum”;

4 (2) in subsection (b), by striking “the United  
5 States Navy Museum” and inserting “the Navy mu-  
6 seum of which the facility is a part”;

7 (3) in subsection (c), by striking “the Naval  
8 Historical Foundation” and inserting “a foundation  
9 described in subsection (a)”;

10 (4) in subsection (d)—

11 (A) by striking “the United States Navy  
12 Museum” and inserting “the applicable Navy  
13 museum”; and

14 (B) by striking “the Museum” and insert-  
15 ing “the museum”.

16 (b) CONFORMING CLERICAL AMENDMENT.—The sec-  
17 tion heading for section 2852 of the Military Construction  
18 Authorization Act for Fiscal Year 2006 (division B of  
19 Public Law 109–163; 119 Stat. 3530) is amended by  
20 striking “**AT WASHINGTON, NAVY YARD, DISTRICT OF**  
21 **COLUMBIA**”.

1 **SEC. 2835. PILOT PROGRAM ON ESTABLISHMENT OF AC-**  
2 **COUNT FOR REIMBURSEMENT FOR USE OF**  
3 **TESTING FACILITIES AT INSTALLATIONS OF**  
4 **THE DEPARTMENT OF THE AIR FORCE.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act, the Secretary of the  
7 Air Force shall establish a pilot program to authorize in-  
8 stallations of the Department of the Air Force to establish  
9 a reimbursable account for the purpose of being reim-  
10 bursed for the use of testing facilities on such installation.

11 (b) INSTALLATIONS SELECTED.—The Secretary of  
12 the Air Force shall select not more than two installations  
13 of the Department of the Air Force to participate in the  
14 pilot program under subsection (a) from among any such  
15 installations that are part of the Air Force Flight Test  
16 Center construct and are currently funded for Facilities  
17 Sustainment, Restoration, and Modernization (FSRM)  
18 through the Research, Development, Test, and Evaluation  
19 account of the Department of the Air Force.

20 (c) OVERSIGHT OF FUNDS.—For each installation se-  
21 lected for the pilot program under subsection (a), the com-  
22 mander of such installation shall have direct oversight over  
23 50 percent of the funds allocated to the installation for  
24 Facilities Sustainment, Restoration, and Modernization  
25 and the Commander of the Air Force Civil Engineer Cen-

1 ter shall have direct oversight over the remaining 50 per-  
2 cent of such funds.

3 (d) BRIEFING AND REPORT.—

4 (1) BRIEFING.—Not later than 30 days after  
5 establishing the pilot program under subsection (a),  
6 the Secretary of the Air Force shall brief the con-  
7 gressional defense committees on the pilot program.

8 (2) ANNUAL REPORT.—Not later than one year  
9 after establishing the pilot program under subsection  
10 (a), and annually thereafter, the Secretary of the Air  
11 Force shall submit to the congressional defense com-  
12 mittees a report on the pilot program.

13 (e) TERMINATION.—The pilot program under sub-  
14 section (a) shall terminate on December 1, 2026.

1 **DIVISION C—DEPARTMENT OF**  
2 **ENERGY NATIONAL SECURITY**  
3 **AUTHORIZATIONS AND**  
4 **OTHER AUTHORIZATIONS**  
5 **TITLE XXXI—DEPARTMENT OF**  
6 **ENERGY NATIONAL SECURITY**  
7 **PROGRAMS**  
8 **Subtitle A—National Security**  
9 **Programs and Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
11 **TION.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
13 are hereby authorized to be appropriated to the Depart-  
14 ment of Energy for fiscal year 2022 for the activities of  
15 the National Nuclear Security Administration in carrying  
16 out programs as specified in the funding table in section  
17 4701.

18 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—  
19 From funds referred to in subsection (a) that are available  
20 for carrying out plant projects, the Secretary of Energy  
21 may carry out new plant projects for the National Nuclear  
22 Security Administration as follows:

23 Project 22–D–513, Power Sources Capability,  
24 Sandia National Laboratories, Albuquerque, New  
25 Mexico, \$13,827,000.

1           Project 22–D–514, Digital Infrastructure Capa-  
2           bility Expansion, Lawrence Livermore National Lab-  
3           oratory, Livermore, California, \$8,000,000.

4           Project 22–D–531, Chemistry and Radiological  
5           Health Building, Knolls Atomic Power Laboratory,  
6           Niskayuna, New York, \$41,620,000.

7           Project 22–D–532, Security Upgrades, Knolls  
8           Atomic Power Laboratory, Niskayuna, New York,  
9           \$5,100,000.

10 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

11           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
12           are hereby authorized to be appropriated to the Depart-  
13           ment of Energy for fiscal year 2022 for defense environ-  
14           mental cleanup activities in carrying out programs as  
15           specified in the funding table in section 4701.

16           (b) AUTHORIZATION OF NEW PLANT PROJECTS.—  
17           From funds referred to in subsection (a) that are available  
18           for carrying out plant projects, the Secretary of Energy  
19           may carry out, for defense environmental cleanup activi-  
20           ties, the following new plant projects:

21           Project 22–D–401, L–888, 400 Area Fire Sta-  
22           tion, Hanford Site, Richland, Washington,  
23           \$15,200,000.

886

1           Project 22–D–402, L–897, 200 Area Water  
2           Treatment Facility, Hanford Site, Richland, Wash-  
3           ington, \$12,800,000.

4           Project 22–D–403, Spent Nuclear Fuel Staging  
5           Facility, Idaho National Laboratory, Idaho Falls,  
6           Idaho, \$3,000,000.

7           Project 22–D–404, Additional Idaho CERCLA  
8           Disposal Facility Landfill Disposal Cell and Evapo-  
9           ration Ponds Project, Idaho National Laboratory,  
10          Idaho Falls, Idaho, \$5,000,000.

11 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

12          Funds are hereby authorized to be appropriated to  
13 the Department of Energy for fiscal year 2022 for other  
14 defense activities in carrying out programs as specified in  
15 the funding table in section 4701.

16 **SEC. 3104. NUCLEAR ENERGY.**

17          Funds are hereby authorized to be appropriated to  
18 the Department of Energy for fiscal year 2022 for nuclear  
19 energy as specified in the funding table in section 4701.

1           **Subtitle B—Nuclear Weapons**  
2                           **Stockpile Matters**

3   **SEC. 3111. PORTFOLIO MANAGEMENT FRAMEWORK FOR**  
4                           **NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
5                           **TION.**

6           (a) IN GENERAL.—Not later than one year after the  
7 date of the enactment of this Act, the Administrator for  
8 Nuclear Security shall—

9                   (1) in consultation with the Nuclear Weapons  
10           Council established under section 179 of title 10,  
11           United States Code, develop and implement a port-  
12           folio management framework for the nuclear security  
13           enterprise that—

14                           (A) defines the National Nuclear Security  
15           Administration’s portfolio of nuclear weapons  
16           stockpile and infrastructure maintenance and  
17           modernization programs;

18                           (B) establishes a portfolio governance  
19           structure, including portfolio-level selection cri-  
20           teria, prioritization criteria, and performance  
21           metrics;

22                           (C) outlines the approach of the National  
23           Nuclear Security Administration to managing  
24           that portfolio; and

1 (D) incorporates the leading practices  
2 identified by the Government Accountability Of-  
3 fice in its report entitled “Nuclear Security En-  
4 terprise: NNSA Should Use Portfolio Manage-  
5 ment Leading Practices to Support Moderniza-  
6 tion Efforts” (GAO–21–398) and dated June  
7 2021; and

8 (2) complete an integrated, comprehensive as-  
9 sessment of the portfolio management capabilities  
10 required to execute the weapons activities portfolio  
11 of the National Nuclear Security Administration.

12 (b) BRIEFING REQUIREMENT.—Not later than June  
13 1, 2022, the Administrator shall provide to the congres-  
14 sional defense committees a briefing on—

15 (1) the progress of the Administrator in devel-  
16 oping the framework described in paragraph (1) of  
17 subsection (a) and completing the assessment re-  
18 quired by paragraph (2) of that subsection; and

19 (2) the plans of the Administrator for imple-  
20 menting the recommendations of the Government  
21 Accountability Office in the report referred to in  
22 subsection (a)(1)(D).

23 (c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In  
24 this section, the term “nuclear security enterprise” has

1 the meaning given that term in section 4002 of the Atomic  
2 Energy Defense Act (50 U.S.C. 2501).

3 **SEC. 3112. REPORTS ON RISKS TO AND GAPS IN INDUS-**  
4 **TRIAL BASE FOR NUCLEAR WEAPONS COM-**  
5 **PONENTS, SUBSYSTEMS, AND MATERIALS.**

6 Section 3113 of the William M. (Mac) Thornberry  
7 National Defense Authorization Act for Fiscal Year 2021  
8 (Public Law 116–283) is amended by adding at the end  
9 the following new subsection:

10 “(e) **REPORTS REQUIRED.**—The Administrator, act-  
11 ing through the official designated under subsection (a),  
12 shall submit to the Committees on Armed Services of the  
13 Senate and the House of Representatives, contempora-  
14 neously with each briefing required by subsection (d)(2),  
15 a report that—

16 “(1) identifies actual or potential risks to or  
17 specific gaps in any element of the industrial base  
18 that supports the nuclear weapons components, sub-  
19 systems, or materials of the National Nuclear Secu-  
20 rity Administration;

21 “(2) describing the actions the Administration  
22 is taking to further assess, characterize, and  
23 prioritize such risks and gaps;

1           “(3) describing mitigating actions, if any, the  
2           Administration has underway or planned to mitigate  
3           any such risks or gaps;

4           “(4) setting forth the anticipated timelines and  
5           resources needed for such mitigating actions; and

6           “(5) describing the nature of any coordination  
7           with or burden sharing by other Federal agencies or  
8           the private sector to address such risks and gaps.”.

9   **SEC. 3113. SENSE OF SENATE ON OVERSIGHT ROLE OF CON-**  
10                           **GRESS IN CONDUCT OF NUCLEAR WEAPONS**  
11                           **TESTING.**

12           It is the sense of the Senate that Congress should  
13           have an oversight role in overseeing the United States  
14           Government’s ability to conduct nuclear weapons testing  
15           that produces nuclear yield.

16   **Subtitle C—Defense Environmental**  
17                           **Cleanup Matters**

18   **PART I—ENVIRONMENTAL MANAGEMENT LIABIL-**  
19                           **ITY REDUCTION AND TECHNOLOGY DEVEL-**  
20                           **OPMENT**

21   **SEC. 3121. DEFINITIONS.**

22           In this part:

23           (1) **COMPLEX.**—The term “complex” means all  
24           sites managed in whole or in part by the Office.

1           (2) DEPARTMENT.—The term “Department”  
2 means the Department of Energy.

3           (3) INSTITUTION OF HIGHER EDUCATION.—The  
4 term “institution of higher education” has the  
5 meaning given the term in section 101(a) of the  
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7           (4) MISSION.—The term “mission” means the  
8 mission of the Office.

9           (5) NATIONAL LABORATORY.—The term “Na-  
10 tional Laboratory” has the meaning given the term  
11 in section 2 of the Energy Policy Act of 2005 (42  
12 U.S.C. 15801).

13           (6) OFFICE.—The term “Office” means the Of-  
14 fice of Environmental Management of the Depart-  
15 ment.

16           (7) SECRETARY.—The term “Secretary” means  
17 the Secretary of Energy, acting through the Assist-  
18 ant Secretary for Environmental Management.

19 **SEC. 3122. INDEPENDENT ASSESSMENT AND MANAGEMENT**  
20 **OF DEFENSE ENVIRONMENTAL CLEANUP**  
21 **PROGRAMS.**

22 (a) INDEPENDENT ASSESSMENT.—

23           (1) IN GENERAL.—The Secretary shall obtain  
24 from the Corps of Engineers an independent assess-

1       ment of the lifecycle costs and schedules of the de-  
2       fense environmental cleanup programs of the Office.

3           (2) FOCUS OF ASSESSMENT.—The assessment  
4       under paragraph (1) shall be focused on identifying  
5       key remaining technical risks and uncertainties of  
6       the defense environmental cleanup programs.

7           (3) USE OF ASSESSMENT.—The Office shall use  
8       the assessment under paragraph (1)—

9           (A) to reevaluate the major defense envi-  
10       ronmental cleanup challenges faced by the Of-  
11       fice, including the timeline and costs associated  
12       with addressing those challenges with existing  
13       science and technology investments;

14          (B) to make any adjustments to the  
15       science and technology development program of  
16       the Office that are necessary to address those  
17       challenges;

18          (C) to evaluate potential savings from the  
19       development of new technologies over the life of  
20       the cleanup programs of the Office; and

21          (D) to provide recommendations to Con-  
22       gress with respect to the annual funding levels  
23       for the Incremental Technology Development  
24       Program established under section 3123(a) and  
25       the High-Impact Technology Development Pro-

1           gram established under section 3124(a) that  
2           will ensure maximum cost-savings over the life  
3           of the defense environmental cleanup programs  
4           of the Office.

5           (4) NO EFFECT ON PROGRAM IMPLEMENTA-  
6           TION.—Nothing in this subsection affects the estab-  
7           lishment, implementation, or carrying out of any  
8           project or program under any other provision of law,  
9           including this part, or under any existing agreement  
10          or consent decree to which the Department is a  
11          party, during the time period in which the assess-  
12          ment under paragraph (1) is carried out.

13          (b) MANAGEMENT PROCESS.—The Secretary shall  
14          design and implement a science and technology manage-  
15          ment process for identifying, prioritizing, selecting, devel-  
16          oping, testing, permitting, and deploying the new knowl-  
17          edge and technologies needed to address the defense envi-  
18          ronmental cleanup challenges faced by the Office, includ-  
19          ing the technical risks and uncertainties identified by the  
20          assessment under subsection (a).

21          (c) PEER REVIEW.—The Secretary shall use inde-  
22          pendent peer review to evaluate—

23                 (1) the science and technology management  
24                 process designed under subsection (b) before that  
25                 process is implemented;

1           (2) any science and technology projects before  
2 those projects are funded; and

3           (3) the overall effectiveness and impact of the  
4 science and technology efforts of the Office.

5 **SEC. 3123. INCREMENTAL TECHNOLOGY DEVELOPMENT**  
6 **PROGRAM.**

7           (a) **ESTABLISHMENT.**—The Secretary shall establish  
8 a program, to be known as the “Incremental Technology  
9 Development Program” (in this section referred to as the  
10 “program”), to improve the efficiency and effectiveness of  
11 the defense environmental cleanup processes of the Office.

12           (b) **FOCUS.**—

13           (1) **IN GENERAL.**—The program shall focus on  
14 the continuous improvement of new or available  
15 technologies, including—

16                   (A) decontamination chemicals and tech-  
17 niques;

18                   (B) remote sensing and wireless commu-  
19 nication to reduce manpower and laboratory ef-  
20 forts;

21                   (C) detection, assay, and certification in-  
22 strumentation;

23                   (D) packaging materials, methods, and  
24 shipping systems; and

1 (E) improving the overall efficiency and ef-  
2 fectiveness of the Office.

3 (2) OTHER AREAS.—The program may include  
4 mission-relevant development, demonstration, and  
5 deployment activities unrelated to the focus areas  
6 described in paragraph (1).

7 (c) USE OF NEW AND EMERGING TECHNOLOGIES.—

8 (1) IN GENERAL.—In carrying out the program,  
9 the Secretary shall ensure that site offices of the Of-  
10 fice conduct technology development and demonstra-  
11 tion of new and emerging technologies to establish a  
12 sound technical basis for the selection of tech-  
13 nologies for defense environmental cleanup or infra-  
14 structure operations.

15 (2) COLLABORATION REQUIRED.—The Sec-  
16 retary shall collaborate, to the extent practicable,  
17 with the heads of other Federal agencies, the Na-  
18 tional Laboratories, other Federal laboratories, ap-  
19 propriate State regulators and agencies, and the De-  
20 partment of Labor in the development, demonstra-  
21 tion, testing, permitting, and deployment of new  
22 technologies under the program.

23 (d) AGREEMENTS TO CARRY OUT PROJECTS.—

24 (1) IN GENERAL.—In carrying out the program,  
25 the Secretary may enter into agreements for tech-

1 nology development, demonstration, and deployment  
2 projects to improve technologies in accordance with  
3 subsection (b).

4 (2) SELECTION.—The Secretary shall select  
5 projects under paragraph (1) through a rigorous  
6 process that involves—

7 (A) transparent and open competition; and

8 (B) an independent peer review process de-  
9 scribed in paragraph (3).

10 (3) PEER REVIEW PROCESS.—

11 (A) IN GENERAL.—Each technology devel-  
12 opment, demonstration, and deployment project  
13 under consideration for selection under para-  
14 graph (2) shall undergo an independent peer re-  
15 view process by a panel of not fewer than 3  
16 peer reviewers selected in accordance with sub-  
17 paragraph (C), who shall evaluate the project in  
18 accordance with the criteria described in sub-  
19 paragraph (B), with the goal of maximizing—

20 (i) returns on the research and devel-  
21 opment expenditures of the Office; and

22 (ii) the return on investment of funds  
23 made available under the program.

24 (B) CRITERIA.—The criteria for peer re-  
25 view under subparagraph (A), with respect to

1 each project, including any technology to be de-  
2 veloped, demonstrated, or deployed by the  
3 project, shall include an evaluation of—

- 4 (i) mission relevancy;
- 5 (ii) scientific and technical validity;
- 6 (iii) ability to meet an existing mis-  
7 sion void;
- 8 (iv) superiority to alternatives;
- 9 (v) cost effectiveness;
- 10 (vi) ability to reduce risk;
- 11 (vii) regulatory compliance;
- 12 (viii) public acceptance; and
- 13 (ix) likelihood of implementation.

14 (C) PEER REVIEWERS.—

15 (i) IN GENERAL.—A peer reviewer for  
16 a project under subparagraph (A) shall be  
17 selected—

18 (I) through a systematic ap-  
19 proach to accessing peer reviewer in-  
20 formation that ensures the appro-  
21 priate range of expertise for the peer  
22 review panel; and

23 (II) from among—

24 (aa) contractors of the De-  
25 partment;

- 1 (bb) the National Labora-  
2 tories;  
3 (cc) other Federal Labora-  
4 tories;  
5 (dd) institutions of higher  
6 education; and  
7 (ee) members of relevant  
8 professional societies.

9 (ii) MINIMIZATION OF DOE PARTICIPA-  
10 TION.—To the maximum extent prac-  
11 ticable, the peer reviewer selection process  
12 under clause (i) shall minimize the partici-  
13 pation of employees of the Department as  
14 peer reviewers.

15 (iii) MINIMIZATION OF CONFLICTS OF  
16 INTEREST.—A peer reviewer selected under  
17 clause (i) to review the project may not be  
18 affiliated with the project being reviewed  
19 or the entity that would carry out that  
20 project.

21 (D) REVIEW PROCESS.—Each panel of  
22 peer reviewers shall review a project under sub-  
23 paragraph (A)—

- 1 (i) using a process of regular review  
2 and staged decision making that is com-  
3 parable to other peer review programs; and  
4 (ii) with rigorous attention to—  
5 (I) the collection of activity; and  
6 (II) the achievement of perform-  
7 ance metrics.

8 (4) COST-SHARING.—The Federal share of the  
9 costs of the development, demonstration, testing,  
10 permitting, and deployment of new technologies car-  
11 ried out under this subsection shall be not more  
12 than 70 percent.

13 **SEC. 3124. HIGH-IMPACT TECHNOLOGY DEVELOPMENT**  
14 **PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary shall establish  
16 a program, to be known as the “High-Impact Technology  
17 Development Program” (in this section referred to as the  
18 “program”), under which the Secretary shall enter into  
19 agreements for projects that pursue technologies that,  
20 with respect to the mission—

- 21 (1) holistically address difficult challenges;  
22 (2) hold the promise of breakthrough improve-  
23 ments; or  
24 (3) align existing or in-use technologies with  
25 difficult challenges.

1           (b) WORKSHOP.—The Secretary shall commence the  
2 program with a workshop to identify, with respect to the  
3 technologies developed pursuant to the program—

4           (1) the challenges that need to be addressed;  
5           and

6           (2) how—

7           (A) to maximize the impact of existing re-  
8 sources of the Office; and

9           (B) to ensure that the technology develop-  
10 ment targets challenges across the complex.

11          (c) AREAS OF FOCUS.—Areas of focus of a project  
12 carried out under this section may include—

13           (1) developing and demonstrating improved  
14 methods for source and plume characterization and  
15 monitoring, with an emphasis on—

16           (A) real-time field acquisition; and

17           (B) the use of indicator species analyses  
18 with advanced contaminant transport models to  
19 enable better understanding of contaminant mi-  
20 gration;

21           (2) developing and determining the limits of  
22 performance for remediation technologies and inte-  
23 grated remedial systems that prevent migration of  
24 contaminants, including by producing associated

1 guidance and design manuals for technologies that  
2 could be widely used across the complex;

3 (3) demonstrating advanced monitoring ap-  
4 proaches that use multiple lines of evidence for mon-  
5 itoring long-term performance of—

6 (A) remediation systems; and

7 (B) noninvasive near-field monitoring tech-  
8 niques;

9 (4) developing and demonstrating methods to  
10 characterize the physical and chemical attributes of  
11 waste that control behavior, with an emphasis on—

12 (A) rapid and nondestructive examination  
13 and assay techniques; and

14 (B) methods to determine radio-nuclide,  
15 heavy metals, and organic constituents;

16 (5) demonstrating the technical basis for deter-  
17 mining when enhanced or natural attenuation is an  
18 appropriate approach for remediation of complex  
19 sites;

20 (6) developing and demonstrating innovative  
21 methods to achieve real-time and, if practicable, in  
22 situ characterization data for tank waste and proc-  
23 ess streams that could be useful for all phases of the  
24 waste management program, including improving  
25 the accuracy and representativeness of characteriza-

1           tion data for residual waste in tanks and ancillary  
2           equipment;

3           (7) adapting existing waste treatment tech-  
4           nologies or demonstrating new waste treatment tech-  
5           nologies at the pilot plant scale using real wastes or  
6           realistic surrogates—

7                   (A) to address engineering adaptations;

8                   (B) to ensure compliance with waste treat-  
9                   ment standards and other applicable require-  
10                  ments under Federal and State law and any ex-  
11                  isting agreements or consent decrees to which  
12                  the Department is a party; and

13                  (C) to enable successful deployment at full-  
14                  scale and in support of operations;

15           (8) developing and demonstrating rapid testing  
16           protocols that—

17                   (A) are accepted by the Environmental  
18                   Protection Agency, the Nuclear Regulatory  
19                   Commission, the Department, and the scientific  
20                   community;

21                   (B) can be used to measure long-term  
22                   waste form performance under realistic disposal  
23                   environments;

24                   (C) can determine whether a stabilized  
25                   waste is suitable for disposal; and

1 (D) reduce the need for extensive, time-  
2 consuming, and costly analyses on every batch  
3 of waste prior to disposal;

4 (9) developing and demonstrating direct sta-  
5 bilization technologies to provide waste forms for  
6 disposing of elemental mercury; and

7 (10) developing and demonstrating innovative  
8 and effective retrieval methods for removal of waste  
9 residual materials from tanks and ancillary equip-  
10 ment, including mobile retrieval equipment or meth-  
11 ods capable of immediately removing waste from  
12 leaking tanks, and connecting pipelines.

13 (d) PROJECT SELECTION.—

14 (1) SELECTION.—The Secretary shall select  
15 projects to be carried out under the program  
16 through a rigorous process that involves—

17 (A) transparent and open competition; and

18 (B) an independent peer review process de-  
19 scribed in paragraph (2).

20 (2) PEER REVIEW PROCESS.—

21 (A) IN GENERAL.—Each project under  
22 consideration for selection under paragraph (1)  
23 shall undergo an independent peer review proc-  
24 ess by a panel of not fewer than 3 peer review-

1           ers selected in accordance with subparagraph  
2           (B).

3                   (B) PEER REVIEWERS.—

4                         (i) IN GENERAL.—A peer reviewer for  
5                         a project under subparagraph (A) shall be  
6                         selected—

7                                 (I) through a systematic ap-  
8                                 proach to accessing peer reviewer in-  
9                                 formation that ensures the appro-  
10                                prium range of expertise for the peer  
11                                review panel; and

12                                (II) from—

13   (aa) a relevant database,  
14   such as a database of chemical  
15   engineers, geologists, physicists,  
16   materials scientists, or biologists;  
17   or

18   (bb) among members of rel-  
19   evant professional societies.

20                                (ii) MINIMIZATION OF DOE PARTICIPA-  
21                                TION.—To the maximum extent prac-  
22                                ticable, the peer reviewer selection process  
23                                under clause (i) shall minimize the partici-  
24                                pation of employees of the Department as  
25                                peer reviewers.

1 (iii) MINIMIZATION OF CONFLICTS OF  
2 INTEREST.—A peer reviewer selected under  
3 clause (i) to review a project may not be  
4 affiliated with the project being reviewed  
5 or the entity that would carry out that  
6 project.

7 (C) REVIEW PROCESS.—Each panel of  
8 peer reviewers shall review a project under sub-  
9 paragraph (A)—

10 (i) using a process of regular review  
11 and staged decision making that is com-  
12 parable to other peer review programs; and

13 (ii) with rigorous attention to—

14 (I) the collection of activity; and

15 (II) the achievement of perform-  
16 ance metrics.

17 **SEC. 3125. ENVIRONMENTAL MANAGEMENT UNIVERSITY**  
18 **PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary shall establish  
20 a program, to be known as the “Environmental Manage-  
21 ment University Program” (in this section referred to as  
22 the “program”)—

23 (1) to engage faculty, post-doctoral fellows or  
24 researchers, and graduate students of institutions of  
25 higher education on subjects relating to the mission

1 to show a clear path for students for employment  
2 with the Department or contractors of the Depart-  
3 ment;

4 (2) to provide to institutions of higher edu-  
5 cation—

6 (A) a source of new ideas; and

7 (B) access to advances in engineering and  
8 science;

9 (3) to clearly identify to institutions of higher  
10 education the tools necessary to enter into the envi-  
11 ronmental management field professionally; and

12 (4) to encourage current employees of the De-  
13 partment to pursue advanced degrees.

14 (b) AREAS OF FOCUS.—Areas of focus of a project  
15 receiving a grant under this section may include—

16 (1) the atomic- and molecular-scale chemistries  
17 of waste processing;

18 (2) contaminant immobilization in engineered  
19 and natural systems;

20 (3) developing innovative materials, with an em-  
21 phasis on nanomaterials or biomaterials, that could  
22 enable sequestration of challenging hazardous or ra-  
23 dioactive constituents such as technetium and iodine;

24 (4) elucidating and exploiting complex specia-  
25 tion and reactivity far from equilibrium;

1           (5) understanding and controlling chemical and  
2           physical processes at interfaces;

3           (6) harnessing physical and chemical processes  
4           to revolutionize separations;

5           (7) tailoring waste forms for contaminants in  
6           harsh chemical environments; or

7           (8) predicting and understanding subsurface  
8           system behavior and response to perturbations.

9           (c) INDIVIDUAL RESEARCH GRANTS.—In carrying  
10          out the program, the Secretary may make individual re-  
11          search grants to faculty, post-doctoral fellows or research-  
12          ers, and graduate students of institutions of higher edu-  
13          cation for 3-year research projects, with an option for an  
14          extension of one additional period of 2 years.

15          (d) GRANTS FOR INTERDISCIPLINARY COLLABORA-  
16          TIONS.—In carrying out the program, the Secretary may  
17          make research grants for strategic partnerships among  
18          scientists, faculty, post-doctoral fellows or researchers,  
19          and graduate students of institutions of higher education  
20          for 3-year research projects.

21          (e) HIRING OF UNDERGRADUATES.—In carrying out  
22          the program, the Secretary may establish a summer in-  
23          ternship program for undergraduates of institutions of  
24          higher education to work on projects relating to environ-  
25          mental management.

1 (f) WORKSHOPS.—In carrying out the program, the  
2 Secretary may hold workshops with the Office of Environ-  
3 mental Management, the Office of Science, and members  
4 of academia and industry concerning environmental man-  
5 agement challenges and solutions.

6 **PART II—OTHER MATTERS**

7 **SEC. 3131. COMPREHENSIVE STRATEGY FOR TREATING,**  
8 **STORING, AND DISPOSING OF DEFENSE NU-**  
9 **CLEAR WASTE RESULTING FROM STOCKPILE**  
10 **MAINTENANCE AND MODERNIZATION ACTIVI-**  
11 **TIES.**

12 (a) IN GENERAL.—Not later than one year after the  
13 date of the enactment of the National Defense Authoriza-  
14 tion Act for Fiscal Year 2022, the Administrator for Nu-  
15 clear Security shall submit to the congressional defense  
16 committees and the Comptroller General of the United  
17 States a comprehensive strategy for treating, storing, and  
18 disposing of defense nuclear waste generated as a result  
19 of stockpile maintenance and modernization activities.

20 (b) ELEMENTS.—The strategy required by subsection  
21 (a) shall include the following:

22 (1) A projection of the location, type, and quan-  
23 tity of defense nuclear waste the National Nuclear  
24 Security Administration anticipates generating as a  
25 result of stockpile maintenance and modernization

1 activities during the periods of five and ten fiscal  
2 years after the submission of the strategy, with a  
3 long-term outlook for the period of 25 fiscal years  
4 after such submission.

5 (2) Budgetary estimates associated the projec-  
6 tion under paragraph (1) during the period of five  
7 fiscal years after the submission of the strategy.

8 (3) A description of how the National Nuclear  
9 Security Administration plans to coordinate with the  
10 Office of Environmental Management of the Depart-  
11 ment of Energy to treat, store, and dispose of the  
12 type and quantity of waste projected to be generated  
13 under paragraph (1).

14 (4) An identification of—

15 (A) disposal facilities that could accept  
16 that waste;

17 (B) disposal facilities that could accept  
18 that waste with modifications; and

19 (C) in the case of facilities described in  
20 subparagraph (B), the modifications necessary  
21 for such facilities to accept that waste.

22 (c) FOLLOW-ON STRATEGY.—Concurrent with the  
23 submission of the budget of the President to Congress  
24 under section 1105(a) of title 31, United States Code, for  
25 fiscal year 2027, the Administrator shall submit to the

1 congressional defense committees a follow-on strategy to  
2 the strategy required by subsection (a) that includes—

3 (1) the elements set forth in subsection (b); and

4 (2) any other matters that the Administrator  
5 considers appropriate.

6 **Subtitle D—Budget and Financial**  
7 **Management Matters**

8 **SEC. 3141. IMPROVEMENTS TO COST ESTIMATES INFORM-**  
9 **ING ANALYSES OF ALTERNATIVES.**

10 (a) IN GENERAL.—Subtitle A of title XLVII of the  
11 Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is  
12 amended by adding at the end the following new section:

13 **“SEC. 4718. IMPROVEMENTS TO COST ESTIMATES INFORM-**  
14 **ING ANALYSES OF ALTERNATIVES.**

15 “(a) REQUIREMENT FOR ANALYSES OF ALTER-  
16 NATIVES.—The Administrator shall ensure that any cost  
17 estimate used in an analysis of alternatives for a project  
18 carried out using funds authorized by a DOE national se-  
19 curity authorization is designed to fully satisfy the require-  
20 ments outlined in the mission needs statement approved  
21 at critical decision 0 in the acquisition process, as set forth  
22 in Department of Energy Order 413.3B (relating to pro-  
23 gram management and project management for the acqui-  
24 sition of capital assets) or a successor order.

1           “(b) USE OF PROJECT ENGINEERING AND DESIGN  
2 FUNDS.—In the case of a project the total estimated cost  
3 of which exceeds \$500,000,000 and that has not reached  
4 critical decision 1 in the acquisition process, the Adminis-  
5 trator may use funds authorized by a DOE national secu-  
6 rity authorization for project engineering and design to  
7 begin the development of a conceptual design to facilitate  
8 the development of a cost estimate for the project during  
9 the analysis of alternatives for the project if—

10           “(1) the Administrator—

11                   “(A) determines that such use of funds  
12 would improve the quality of the cost estimate  
13 for the project; and

14                   “(B) notifies the congressional defense  
15 committees of that determination; and

16           “(2) a period of 15 days has elapsed after the  
17 date on which such committees receive the notifica-  
18 tion.”.

19           (b) CLERICAL AMENDMENT.—The table of contents  
20 for the Atomic Energy Defense Act is amended by insert-  
21 ing after the item relating to section 4717 the following  
22 new item:

“Sec. 4718. Improvements to cost estimates informing analyses of alter-  
natives.”.

1 **SEC. 3142. MODIFICATION OF REQUIREMENTS FOR CER-**  
2 **TAIN CONSTRUCTION PROJECTS.**

3 (a) INCREASE IN MINOR CONSTRUCTION THRESH-  
4 OLD FOR PLANT PROJECTS.—Section 4701(2) of the  
5 Atomic Energy Defense Act (50 U.S.C. 2741(2)) is  
6 amended by striking “\$20,000,000” and inserting  
7 “\$25,000,000”.

8 (b) NOTIFICATION REQUIREMENT FOR CERTAIN  
9 MINOR CONSTRUCTION PROJECTS.—

10 (1) IN GENERAL.—Section 4703 of the Atomic  
11 Energy Defense Act (50 U.S.C. 2743) is amended—

12 (A) by redesignating subsection (d) as sub-  
13 section (e); and

14 (B) by inserting after subsection (c) the  
15 following new subsection (d):

16 “(d) NOTIFICATION REQUIRED FOR CERTAIN  
17 PROJECTS.—Notwithstanding subsection (a), the Sec-  
18 retary may not start a minor construction project with a  
19 total estimated cost of more than \$5,000,000 until—

20 “(1) the Secretary notifies the congressional de-  
21 fense committees of such project and total estimated  
22 cost; and

23 “(2) a period of 15 days has elapsed after the  
24 date on which such notification is received.”.

25 (2) CONFORMING REPEAL.—Section 3118(e) of  
26 the National Defense Authorization Act for Fiscal

1 Year 2010 (Public Law 111–84; 50 U.S.C. 2743  
2 note) is repealed.

3 (c) INCREASE IN CONSTRUCTION DESIGN THRESH-  
4 OLD.—Section 4706(b) of the Atomic Energy Defense Act  
5 (50 U.S.C. 2746(b)) is amended by striking “\$2,000,000”  
6 each place it appears and inserting “\$5,000,000”.

7 **SEC. 3143. MODIFICATION TO TERMINOLOGY FOR REPORTS**  
8 **ON FINANCIAL BALANCES FOR ATOMIC EN-**  
9 **ERGY DEFENSE ACTIVITIES.**

10 Section 4732 of the Atomic Energy Defense Act (50  
11 U.S.C. 2772) is amended—

12 (1) in subsection (b)(2)—

13 (A) in subparagraph (G), by striking  
14 “committed” and inserting “encumbered”;

15 (B) in subparagraph (H), by striking “un-  
16 committed” and inserting “unencumbered”; and

17 (C) in subparagraph (I), by striking “un-  
18 committed” and inserting “unencumbered”; and

19 (2) in subsection (c)—

20 (A) by striking paragraphs (1) and (3);

21 (B) by redesignating paragraphs (2) and  
22 (4) as paragraphs (1) and (3), respectively;

23 (C) in paragraph (1), as redesignated by  
24 subparagraph (B), by striking “by the con-  
25 tractor” and inserting “from the contractor”;

1 (D) by inserting after paragraph (1), as so  
2 redesignated, the following new paragraph (2):

3 “(2) ENCUMBERED.—The term ‘encumbered’,  
4 with respect to funds, means the funds have been  
5 obligated to a contract and are being held for a spe-  
6 cific known purpose by the contractor.”;

7 (E) in paragraph (3), as so redesignated,  
8 by striking “by the contractor” and inserting  
9 “from the contractor”; and

10 (F) by inserting after paragraph (3), as so  
11 redesignated, the following new paragraph (4):

12 “(4) UNENCUMBERED.—The term  
13 ‘unencumbered’, with respect to funds, means the  
14 funds have been obligated to a contract and are not  
15 being held for a specific known purpose by the con-  
16 tractor.”.

## 17 **Subtitle E—Other Matters**

### 18 **SEC. 3151. EXTENSION OF AUTHORITY FOR APPOINTMENT** 19 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND** 20 **TECHNICAL PERSONNEL.**

21 Section 4601(c)(1) of the Atomic Energy Defense Act  
22 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-  
23 tember 30, 2021” and inserting “September 30, 2026”.

1 **SEC. 3152. EXTENSION OF ENHANCED PROCUREMENT AU-**  
2 **THORITY TO MANAGE SUPPLY CHAIN RISK.**

3 Section 4806(g) of the Atomic Energy Defense Act  
4 (50 U.S.C. 2786(g)) is amended by striking “June 30,  
5 2023” and inserting “December 31, 2028”.

6 **SEC. 3153. EXTENSION OF AUTHORITY FOR ACCEPTANCE**  
7 **OF CONTRIBUTIONS FOR ACCELERATION OF**  
8 **REMOVAL OR SECURITY OF FISSILE MATE-**  
9 **RIALS, RADIOLOGICAL MATERIALS, AND RE-**  
10 **LATED EQUIPMENT AT VULNERABLE SITES**  
11 **WORLDWIDE.**

12 (a) IN GENERAL.—Section 3132 of the Ronald W.  
13 Reagan National Defense Authorization Act for Fiscal  
14 Year 2005 (50 U.S.C. 2569) is—

15 (1) transferred to title XLIII of the Atomic En-  
16 ergy Defense Act (50 U.S.C. 2565 et seq.);

17 (2) redesignated as section 4306B;

18 (3) inserted after section 4306A; and

19 (4) amended, in subsection (f)(6), by striking  
20 “December 31, 2023” and inserting “December 31,  
21 2028”.

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 for the Atomic Energy Defense Act is amended by insert-  
24 ing after the item relating to section 4306A the following  
25 new item:

“Sec. 4306B. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.”.

1 **SEC. 3154. UPDATES TO INFRASTRUCTURE MODERNIZA-**  
2 **TION INITIATIVE.**

3 (a) IN GENERAL.—Section 3111(b) of the National  
4 Defense Authorization Act for Fiscal Year 2018 (Public  
5 Law 115–91; 50 U.S.C. 2402 note) is amended—

6 (1) in paragraph (2)(A)(i)(II), by striking  
7 “\$50,000,000” and inserting “\$75,000,000”;

8 (2) in paragraph (3)—

9 (A) in the paragraph heading, by striking  
10 “INITIAL PLAN” and inserting “PLAN RE-  
11 QUIRED”; and

12 (B) in the matter preceding subparagraph  
13 (A)—

14 (i) by striking “2018” and inserting  
15 “2022”; and

16 (ii) by striking “initial”; and

17 (3) in paragraph (4), by striking “2024” and  
18 inserting “2023”.

19 (b) CERTIFICATION.—Not later than March 1, 2023,  
20 and annually thereafter through 2025, the Administrator  
21 for Nuclear Security shall submit to the congressional de-  
22 fense committees a certification with respect to whether  
23 the updated plan required by paragraph (3) of section  
24 3111(b) of the National Defense Authorization Act for

1 Fiscal Year 2018, as amended by subsection (a), is being  
2 implemented in a manner adequate to meet the goal set  
3 forth in paragraph (2) of that section of reducing the  
4 backlog of deferred maintenance and repair needs of the  
5 nuclear security enterprise by not less than 30 percent by  
6 2025.

7 **SEC. 3155. ACQUISITION OF HIGH-PERFORMANCE COM-**  
8 **PUTING CAPABILITIES BY NATIONAL NU-**  
9 **CLEAR SECURITY ADMINISTRATION.**

10 (a) SENSE OF SENATE.—It is the sense of the Senate  
11 that—

12 (1) the Advanced Simulation and Computing  
13 Program of the National Nuclear Security Adminis-  
14 tration is an essential element of the Stockpile Stew-  
15 ardship Program; and

16 (2) developing the next generation of exascale  
17 high-performance computers to conduct performance  
18 assessments of nuclear weapons systems and next-  
19 generation weapons design is in the national security  
20 interests of the United States.

21 (b) ROADMAP FOR ACQUISITION.—

22 (1) IN GENERAL.—Not later than 2 years after  
23 the date of the enactment of this Act, the Adminis-  
24 trator for Nuclear Security shall submit to the con-  
25 gressional defense committees a roadmap for the ac-

1       quisition by the Administration of high-performance  
2       computing capabilities during the 10-year period fol-  
3       lowing submission of the roadmap.

4               (2) ELEMENTS.—The roadmap required by  
5       paragraph (1) shall include the following:

6               (A) A description of the high-performance  
7       computing capabilities required to support the  
8       mission of the Administration as of the date on  
9       which the roadmap is submitted under para-  
10      graph (1).

11              (B) An identification of any existing or an-  
12      ticipated gaps in such capabilities.

13              (C) A description of the high-performance  
14      computing capabilities anticipated to be re-  
15      quired by the Administration during the 10-  
16      year period following submission of the road-  
17      map, including computational performance and  
18      other requirements, as appropriate.

19              (D) A description of the strategy of the  
20      Administration for acquiring such capabilities.

21              (E) An assessment of the ability of the in-  
22      dustrial base to support that strategy.

23              (F) Such other matters the Administrator  
24      considers appropriate.

1           (3) CONSULTATION AND CONSIDERATIONS.—In  
2           developing the roadmap required by paragraph (1),  
3           the Administrator shall—

4                   (A) consult with the Secretary of Energy;  
5                   and

6                   (B) take into consideration the findings of  
7                   the review of the future of computing beyond  
8                   exascale computing conducted by the National  
9                   Academy of Sciences under section 3172 of the  
10                  William M. (Mac) Thornberry National Defense  
11                  Authorization Act for Fiscal Year 2021 (Public  
12                  Law 116–283).

13          (c) INDEPENDENT ASSESSMENT OF HIGH-PERFORM-  
14          ANCE COMPUTING ACQUISITIONS.—

15               (1) IN GENERAL.—The Administrator shall  
16               enter into an arrangement with a federally funded  
17               research and development center to assess the first  
18               acquisition of high-performance computing capabili-  
19               ties by the Administration after the date of the en-  
20               actment of this Act.

21               (2) ELEMENTS.—The assessment required by  
22               paragraph (1) of the acquisition of high-performance  
23               computing capabilities described in that paragraph  
24               shall include an assessment of the following:

1 (A) The mission needs of the Administra-  
2 tion met by the acquisition.

3 (B) The evidence used to support the ac-  
4 quisition decision, such as an analysis of alter-  
5 natives or business case analyses.

6 (C) Market research performed by the Ad-  
7 vanced Simulation and Computing Program re-  
8 lated to the acquisition.

9 (3) REPORT REQUIRED.—

10 (A) IN GENERAL.—Not later than 90 days  
11 after entering into the arrangement under para-  
12 graph (1), the Administrator shall submit to  
13 the congressional defense committees a report  
14 on the assessment conducted under paragraph  
15 (1).

16 (B) FORM OF REPORT.—The report re-  
17 quired by subparagraph (A) shall be submitted  
18 in unclassified form but may include a classified  
19 annex.

20 **SEC. 3156. LIMITATION ON USE OF FUNDS FOR NAVAL NU-**  
21 **CLEAR FUEL SYSTEMS BASED ON LOW-EN-**  
22 **RICED URANIUM.**

23 (a) LIMITATION.—Of the funds authorized to be ap-  
24 propriated by this Act for fiscal year 2022 for the Na-  
25 tional Nuclear Security Administration for research and

1 development of an advanced naval nuclear fuel system  
2 based on low-enriched uranium, not more than 50 percent  
3 may be obligated or expended until the following deter-  
4 minations are submitted to the congressional defense com-  
5 mittees:

6           (1) A determination made jointly by the Sec-  
7 retary of Energy and the Secretary of Defense with  
8 respect to whether the determination made jointly by  
9 the Secretary of Energy and the Secretary of the  
10 Navy pursuant to section 3118(c)(1) of the National  
11 Defense Authorization Act for Fiscal Year 2016  
12 (Public Law 114–92; 129 Stat. 1196) and submitted  
13 to the congressional defense committees on March  
14 25, 2018, that the United States should not pursue  
15 research and development of an advanced naval nu-  
16 clear fuel system based on low-enriched uranium, re-  
17 mains valid.

18           (2) A determination by the Secretary of the  
19 Navy with respect to whether an advanced naval nu-  
20 clear fuel system based on low-enriched uranium can  
21 be produced that would not reduce vessel capability,  
22 increase expense, or reduce operational availability  
23 as a result of refueling requirements.

24           (b) REPORT REQUIRED.—Not later than 60 days  
25 after the date of the enactment of this Act, the Adminis-

1 trator for Nuclear Security shall submit to the congres-  
2 sional defense committees a report on activities conducted  
3 using amounts made available for fiscal year 2021 for de-  
4 velopment of nonproliferation fuels, including a descrip-  
5 tion of any progress made toward technological or non-  
6 proliferation goals as a result of such activities.

7 **TITLE XXXII—DEFENSE NU-**  
8 **CLEAR FACILITIES SAFETY**  
9 **BOARD**

10 **SEC. 3201. AUTHORIZATION.**

11 There are authorized to be appropriated for fiscal  
12 year 2022, \$31,000,000 for the operation of the Defense  
13 Nuclear Facilities Safety Board under chapter 21 of the  
14 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

15 **SEC. 3202. REFERENCES TO CHAIRPERSON AND VICE**  
16 **CHAIRPERSON OF DEFENSE NUCLEAR FA-**  
17 **CILITIES SAFETY BOARD.**

18 Chapter 21 of the Atomic Energy Act of 1954 (42  
19 U.S.C. 2286 et seq.) is amended—

20 (1) in section 311(c), in the subsection heading,  
21 by striking “CHAIRMAN, VICE CHAIRMAN” and in-  
22 serting “CHAIRPERSON, VICE CHAIRPERSON”; and

23 (2) by striking “Chairman” each place it ap-  
24 pears and inserting “Chairperson”.

1                   **TITLE XXXV—MARITIME**  
2                   **ADMINISTRATION**

3 **SEC. 3501. MARITIME ADMINISTRATION.**

4           Section 109 of title 49, United States Code, is  
5 amended to read as follows:

6 **“§ 109. Maritime Administration**

7           “(a) ORGANIZATION AND MISSION.—The Maritime  
8 Administration is an administration in the Department of  
9 Transportation. The mission of the Maritime Administra-  
10 tion is to foster, promote, and develop the merchant mari-  
11 time industry of the United States.

12           “(b) MARITIME ADMINISTRATOR.—The head of the  
13 Maritime Administration is the Maritime Administrator,  
14 who is appointed by the President by and with the advice  
15 and consent of the Senate. The Administrator shall report  
16 directly to the Secretary of Transportation and carry out  
17 the duties prescribed by the Secretary.

18           “(c) DEPUTY MARITIME ADMINISTRATOR.—The  
19 Maritime Administration shall have a Deputy Maritime  
20 Administrator, who is appointed in the competitive service  
21 by the Secretary, after consultation with the Adminis-  
22 trator. The Deputy Administrator shall carry out the du-  
23 ties prescribed by the Administrator. The Deputy Admin-  
24 istrator shall be Acting Administrator during the absence  
25 or disability of the Administrator and, unless the Sec-

1 retary designates another individual, during a vacancy in  
2 the office of Administrator.

3 “(d) DUTIES AND POWERS VESTED IN SEC-  
4 RETARY.—All duties and powers of the Maritime Adminis-  
5 tration are vested in the Secretary.

6 “(e) REGIONAL OFFICES.—The Maritime Adminis-  
7 tration shall have regional offices for the Atlantic, Gulf,  
8 Great Lakes, and Pacific port ranges, and may have other  
9 regional offices as necessary. The Secretary shall appoint  
10 a qualified individual as Director of each regional office.  
11 The Secretary shall carry out appropriate activities and  
12 programs of the Maritime Administration through the re-  
13 gional offices.

14 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—  
15 The Secretary shall establish and maintain liaison with  
16 other agencies, and with representative trade organiza-  
17 tions throughout the United States, concerned with the  
18 transportation of commodities by water in the export and  
19 import foreign commerce of the United States, for the pur-  
20 pose of securing preference to vessels of the United States  
21 for the transportation of those commodities.

22 “(g) DETAILING OFFICERS FROM ARMED FORCES.—  
23 To assist the Secretary in carrying out duties and powers  
24 relating to the Maritime Administration, not more than  
25 five officers of the Armed Forces may be detailed to the

1 Secretary at any one time, in addition to details author-  
2 ized by any other law. During the period of a detail, the  
3 Secretary shall pay the officer an amount that, when  
4 added to the officer's pay and allowances as an officer in  
5 the Armed Forces, makes the officer's total pay and allow-  
6 ances equal to the amount that would be paid to an indi-  
7 vidual performing work the Secretary considers to be of  
8 similar importance, difficulty, and responsibility as that  
9 performed by the officer during the detail.

10 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND  
11 AUDITS.—

12 “(1) CONTRACTS AND COOPERATIVE AGREE-  
13 MENTS.—In the same manner that a private cor-  
14 poration may make a contract within the scope of its  
15 authority under its charter, the Secretary may make  
16 contracts and cooperative agreements for the United  
17 States Government and disburse amounts to—

18 “(A) carry out the Secretary's duties and  
19 powers under this section, subtitle V of title 46,  
20 and all other Maritime Administration pro-  
21 grams; and

22 “(B) protect, preserve, and improve collat-  
23 eral held by the Secretary to secure indebted-  
24 ness.

1           “(2) AUDITS.—The financial transactions of  
2           the Secretary under paragraph (1) shall be audited  
3           by the Comptroller General. The Comptroller Gen-  
4           eral shall allow credit for an expenditure shown to  
5           be necessary because of the nature of the business  
6           activities authorized by this section or subtitle V of  
7           title 46. At least once a year, the Comptroller Gen-  
8           eral shall report to Congress any departure by the  
9           Secretary from this section or subtitle V of title 46.

10          “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as  
11         otherwise provided by law, the administrative and related  
12         expenses for the administration of any grant programs by  
13         the Maritime Administrator may not exceed 3 percent.

14          “(j) AUTHORIZATION OF APPROPRIATIONS.—

15                 “(1) IN GENERAL.—Except as otherwise pro-  
16                 vided in this subsection, there are authorized to be  
17                 appropriated such amounts as may be necessary to  
18                 carry out the duties and powers of the Secretary re-  
19                 lating to the Maritime Administration.

20                 “(2) LIMITATIONS.—Only those amounts spe-  
21                 cifically authorized by law may be appropriated for  
22                 the use of the Maritime Administration for—

23                         “(A) acquisition, construction, or recon-  
24                         struction of vessels;

1           “(B) construction-differential subsidies in-  
2           cident to the construction, reconstruction, or re-  
3           conditioning of vessels;

4           “(C) costs of national defense features;

5           “(D) payments of obligations incurred for  
6           operating-differential subsidies;

7           “(E) expenses necessary for research and  
8           development activities, including reimbursement  
9           of the Vessel Operations Revolving Fund for  
10          losses resulting from expenses of experimental  
11          vessel operations;

12          “(F) the Vessel Operations Revolving  
13          Fund;

14          “(G) National Defense Reserve Fleet ex-  
15          penses;

16          “(H) expenses necessary to carry out part  
17          B of subtitle V of title 46; and

18          “(I) other operations and training expenses  
19          related to the development of waterborne trans-  
20          portation systems, the use of waterborne trans-  
21          portation systems, and general administra-  
22          tion.”.

# 1 **DIVISION D—FUNDING TABLES**

## 2 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 3 **BLES.**

4 (a) **IN GENERAL.**—Whenever a funding table in this  
5 division specifies a dollar amount authorized for a project,  
6 program, or activity, the obligation and expenditure of the  
7 specified dollar amount for the project, program, or activ-  
8 ity is hereby authorized, subject to the availability of ap-  
9 propriations.

10 (b) **MERIT-BASED DECISIONS.**—A decision to com-  
11 mit, obligate, or expend funds with or to a specific entity  
12 on the basis of a dollar amount authorized pursuant to  
13 subsection (a) shall—

14 (1) be based on merit-based selection proce-  
15 dures in accordance with the requirements of sec-  
16 tions 2304(k) and 2374 of title 10, United States  
17 Code, or on competitive procedures; and

18 (2) comply with other applicable provisions of  
19 law.

20 (c) **RELATIONSHIP TO TRANSFER AND PROGRAM-**  
21 **MING AUTHORITY.**—An amount specified in the funding  
22 tables in this division may be transferred or repro-  
23 grammed under a transfer or reprogramming authority  
24 provided by another provision of this Act or by other law.  
25 The transfer or reprogramming of an amount specified in

1 such funding tables shall not count against a ceiling on  
2 such transfers or reprogrammings under section 1001 or  
3 section 1522 of this Act or any other provision of law,  
4 unless such transfer or reprogramming would move funds  
5 between appropriation accounts.

6 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This  
7 section applies to any classified annex that accompanies  
8 this Act.

9 (e) ORAL WRITTEN COMMUNICATIONS.—No oral or  
10 written communication concerning any amount specified  
11 in the funding tables in this division shall supersede the  
12 requirements of this section.